

Van Meter Community School

District

Employee Handbook



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## **OPENING STATEMENT**

### **Purpose**

This handbook is a general source of information and may not include every possible situation that could arise. It is not intended, and does not constitute a contract between the school district and employees. It is the employee's responsibility to refer to the district policies and/or administrative procedures for further information. If a conflict exists between information in this handbook and the board policies or administrative procedures, the board policies and procedures shall govern.

### **Definitions**

In this handbook, the word "parent" also means "guardian" unless otherwise stated. An administrator's title, such as superintendent or principal, also means that individual's designee unless otherwise stated. The term "licensed employee" means all teachers and nurses, while the term "classified employee" is all other school employees not designated as administrators, directors, or licensed. The term "school grounds" includes the school district facilities, school district property, property within the jurisdiction of the school district or school district premises, school-owned or school-operated buses or vehicles and chartered buses. The term "school facilities" includes school district buildings and vehicles. The term "school activities," means all school activities in which students are involved whether they are school-sponsored or school-approved, whether they are an event or an activity, or whether they are held on or off school grounds.

### **School District Mission Statement, Educational Goals and Expected Student Outcomes**

The Mission of the Van Meter Community School District is to personalize learning for each student's success, today, and tomorrow.

### **Equal Opportunity Employment**

Van Meter Community School District will provide equal opportunity to employees and applicants for employment in accordance with applicable equal opportunity and affirmative action laws, directives and regulations of federal, state and local governing bodies. The school district will not discriminate against employees or potential employees based upon race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity or disability. Opportunity to all employees and applicants for employment includes hiring, placement, promotion, transfer or demotion, recruitment, advertising or solicitation for employment, treatment during employment, rates of pay or other forms of compensation, and layoff or termination. The school district will take affirmative action in major job categories where women, men, minorities and persons with disabilities are underrepresented. Employees will support and comply with the district's established equal employment opportunity and affirmative action policies. Employees will be given notice of this policy annually.

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

Advertisements and notices for vacancies within the district will contain the following statement: “The Van Meter Community School District is an EEO/AA employer.” The statement will also appear on application forms.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, will be directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, Van Meter Community School District, 520 1<sup>st</sup> Avenue, Van Meter, IA or by telephoning 515-996-2221.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, may also be directed in writing to the Equal Employment Opportunity Commissions, Milwaukee Area Office, Reuss Federal Plaza, 310 West Wisconsin Ave., Suite 800, Milwaukee, WI., 53203-2292, (800) 669-4000 or TTY (800) 669-6820, <http://www.eeoc.gov/field/milwaukee/index.cfm> or the Iowa Civil Rights Commission, 400 E. 14<sup>th</sup> Street, Des Moines, IA 50319, (800) 457-4416, <http://www.state.ia.us/government/crc/index.html>. This inquiry or complaint to the federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.

### **School Calendar**

The school calendar can be found at [www.vmbulldogs.com](http://www.vmbulldogs.com).

## **District Contacts**

Refer to the Van Meter Community School District website for all contacts [www.vmbulldogs.com](http://www.vmbulldogs.com).

## **Board Policies**

Board policies are established for the success, safety, and protection of all school employees in the performance of their job duties. Board policies are available in each attendance center, administrative office, and on the school's website [www.vmbulldogs.com](http://www.vmbulldogs.com). Employees are expected to know existing board policies and know to refer to the policies when necessary.

## **Handbook Subject to Change**

Although every effort will be made to update the handbook on a timely basis, Van Meter Community School District reserves the right, and has the sole discretion, to change any policies, procedures, benefits, and terms of employment without notice, consultation, or publication, except as may be required by contractual agreements and law. Van Meter Community School District reserves the right, and has the sole discretion, to modify or change any portion of this handbook at any time.

## COMPENSATION AND BENEFITS

### Compensation and Salary

An employee required to hold a license, authorization, or certification for his/her position is solely responsible for ensuring it is current. Failure to do so could, and likely will, result in termination because by law the district cannot pay an employee who does not have a current license, authorization, or certification. Specific information regarding an employee's license, authorization, or certification may be obtained from the Iowa Board of Educational Examiners (BOEE). The BOEE may be contacted by calling 515-281-3245 or by visiting their website, located at <http://www.boee.iowa.gov/>.

#### **Licensed:**

The requirements stated in the master contract between employees in the collective bargaining unit and the board regarding base wages will be followed. **(IASB Sample Policy Reference Manual-406.1)**

#### **Classified:**

The board will determine the compensation to be paid for the classified employees' positions, keeping in mind the education and experience of the classified employee, the educational philosophy of the school district, the financial condition of the school district and any other considerations deemed relevant by the board. **(IASB Policy Reference Manual-412.1)**

Each employee compensated on an hourly basis, whether full-or part-time, permanent or temporary, will be paid no less than the prevailing minimum wage. Whenever an hourly employee must work more than forty hours in a given work week, the employee is compensated at one and one-half times their regular hourly wage rate. This compensation is in the form of overtime pay or compensatory time. Overtime will not be permitted without prior authorization of the superintendent.

Each hourly employee paid on an hour-by-hour basis must complete, sign, and turn in a daily time record showing the actual number of hours worked. Failure of the employee to maintain, or falsification of, a daily time record will be grounds for disciplinary action. **(IASB Policy Reference Manual-412.2)**

### Compensation for Extra Duty

An employee may volunteer or be required, depending on a given situation, to take on extra duty position, with the extra duty being secondary to the major responsibility of the employee. The board will establish compensation for extra duty employee positions, keeping in mind the financial condition of the school district, the education and experience of the employee, the educational philosophy of the school district, and other considerations as determined by the board. **(IASB Policy Reference Manual-406.4)**

## Salary Increases

Improvement in teacher effectiveness as determined by a three year performance review and continued education on the part of licensed employees may entitle employees to more compensation. Licensed employees who have completed additional hours will be considered for increased compensation if there is value added to the district. The board will determine which licensed employees will get an increase in salary for continued education or improved effectiveness 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.

## Continuing Contracts

Contracts entered into with licensed employees, other than an administrator, will continue from year to year unless the contract states otherwise, as modified by mutual agreement between the board and the employee, or the contract is terminated by the board. **(IASB Policy Reference Manual-405.4)**

## Group Insurance Benefits

Employees who work 30 hours per week are eligible for group insurance and health benefits. For additional information, please contact Shonna Trudo. **(IASB Policy Reference Manual-406.5)**

- *Flex Spending Accounts;*
- *Health Care;*
- *Life Insurance;*
- *Long-Term Disability; and*
- *Short-Term Disability.*

More information can be found on our school's website [www.vmbulldogs.com](http://www.vmbulldogs.com) under the Staff tab and Human Resources.

## IPERS

Van Meter Community School District participates in the Iowa Public Employees' Retirement System (IPERS). This defined benefit plan provides a lifetime retirement benefit to you upon retirement in accordance with a formula based on your age, years of service, and the average of your highest five years of wages. For additional information, please contact IPERS at 1-800-622-3849 or visit the IPERS website located at <https://www.ipers.org/index.html>.

## Tax Shelter Programs

The board authorizes the administration to make a payroll deduction for employees' tax sheltered annuity premiums purchased from a company authorized by Retirement Investors Club through the State of Iowa. For more information, contact Shonna Trudo. **(IASB Policy Reference Manual-406.6)**

## **Travel Compensation – Outside the District**

Employees traveling on behalf of Van Meter Community School District and performing approved school district business will be reimbursed for their actual and necessary expenses. Actual and necessary travel expenses will include, but not be limited to, transportation and/or mileage costs, lodging expenses, meal expenses and registration costs.

Travel outside of the school district must be pre-approved. Pre-approval will include an evaluation of the necessity of the travel, the reason for the travel and an estimate of the cost of the travel to qualify as approved school district business. Travel outside the school district by employees, other than the superintendent, is approved by the superintendent.

Reimbursement for actual and necessary expenses will be allowed for travel outside the school district if the employee received pre-approval for the travel. Prior to reimbursement of actual and necessary expenses, the employee must provide the school district with a detailed receipt, indicating the date, purpose and nature of the expense for each claim item. Failure to have a detailed receipt will make the expense a personal expense. Personal expenses, including mileage, in excess of that required for the trip are reimbursed by the employee to the school district no later than 10 working days following the date of the expense.

Reimbursement for actual and necessary expenses for travel outside the school district will be limited to the pre-approved expenses. Pre-approved expenses for registration are limited to the actual cost of the registration.

## **EMPLOYEE RELATIONS**

### **Background Checks**

Employees are subject to criminal, dependent adult abuse and child abuse background checks every five years at least. The background check will either be conducted by the school district or another agency.

### **Complaint Procedures**

- A. A grievance shall mean only a complaint that there has been an alleged violation, misinterpretation, or misapplication of any of the specific provisions of the Employee Handbook.
- B. Every Employee covered by this Employee Handbook shall have the right to present grievances in accordance with these procedures.
- C. The failure of an Employee to act on any grievance within the prescribed time limits will act as a bar to any further appeal and administrator's failure to give a decision within the time limits shall permit the grievant to proceed to the next step. The time limits, however, may be extended by mutual agreement.
- D. It is agreed that any investigation or other handling or processing of any grievance by grievance by the grieving Employee shall be conducted so as to result in no interference with or interruption whatsoever of the instructional program and related work activities of the grieving Employee or of the staff.

#### **FIRST STEP**

An attempt shall be made to resolve any grievance in informal, verbal discussion between complainant and his or her principal/supervisor.

#### **SECOND STEP**

If the grievance cannot be resolved informally, the aggrieved Employee shall file the grievance in writing and, at a mutually agreeable time, discuss the matter with the principal/supervisor. The written grievance shall state the nature of the grievance, shall note the specific clause or clauses of the grievance, and shall state the remedy requested. The filing of the formal, written grievance at the second step must be within five (5) school days from the date of occurrence of the event giving rise to the grievance. The principal/supervisor shall make a decision on the grievance and communicate it in writing to the Employee and the Superintendent within ten (10) school days after receipt of the grievance.

#### **THIRD STEP**

In the event a grievance has not been satisfactorily resolved at the second step, the aggrieved Employee shall file, within five (5) school days of the principal's written decision at the second step, a copy of the grievance with the Superintendent. Within ten (10) school days after such written grievance is filed, the aggrieved and Superintendent or his designee shall meet to resolve the grievance. The Superintendent or his designee shall file an answer within ten (10) school days of the third-step grievance meeting and communicate it in writing to the Employee and the principal/supervisor.

#### FOURTH STEP

In the event a grievance has not been satisfactorily resolved at the third step, the aggrieved Employee shall file, within ten (10) school days of the superintendent's written decision at the third step, a copy of the grievance with the school board. Within twenty(20) school days after such written grievance is filed, the aggrieved and board shall meet to resolve the grievance. The board shall file an answer within ten (10) school days of the fourth-step grievance meeting and communicate it in writing to the Employee and the superintendent and principal/supervisor.

1. All documents, communications and records dealing with the processing of a grievance shall be filed in a separate grievance file and shall not be kept in the personnel file of any of the participants. No reprisal of any kind will be taken by the Board, the school administration, or their representatives against any Employee because of any participation in this grievance procedure.

### Conflict of Interest

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

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

Employees will not act as an agent or dealer for the sale of textbooks or other school supplies to the school district. Employees will not participate for personal financial remuneration in outside activities wherein their position on the staff is used to sell goods or services to students or parents. Employees will not engage in outside work or activities where the source of information concerning the customer, client, or employer originates from information obtained because of the employee's position in the school district. **(IASB Policy Reference Manual-401.2)**

## Employee Orientation

Employees must know their roles and duties. New employees will participate in an orientation program. The employee's immediate supervisor should provide the new employee with a review of the employee's responsibilities and duties. Payroll procedures and employee benefit programs and accompanying forms will be explained to the employee by Shonna Trudo, Business Manager. Employees ineligible for the school district's group health plan will be given information regarding where they can obtain health care or health care insurance. **(IASB Policy Reference Manual-401.11)**

## Employee Records

Van Meter Community School District will maintain personnel records on employees. The records are important for the daily administration of the educational program, for implementing board policy, for budget and financial planning, and for meeting state and federal requirements.

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

Employees may have access to their personnel files, with the exception of letters of reference, and copy items from their personnel files at a time mutually agreed upon between Shonna Trudo, Business Manager, and the employee. The school district may charge a reasonable fee for each copy made. **(IASB Policy Reference Manual-401.5)**

## Employee Searches

Employees should have no expectation of privacy in their classrooms, desks, computers or other school district provided space or equipment. The school district may look into these items when needed. Anything on the school district's computers, server, web site, etc. and in school district files, etc. are considered a public record and open to public inspection. If the school district conducts an examination or inspection under the terms of this policy, there will be at least two individuals present at the time of the examination or inspection. Should the school district get a request to see this information, at that time a determination will be made whether the information can be withheld as confidential information. The school district assumes no responsibility or liability for any items of personal property which are placed in the desk or work space which is assigned to employees.

## Evaluation

Evaluation of employees on their skills, abilities, and competencies is an ongoing process supervised by the building principals and conducted by approved evaluators, as required by law. The goal of the formal evaluation process is to improve the education program, to maintain employees who meet or exceed the board's standards of performance, to clarify the 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.

### **A. PRIMARY PURPOSE OF SUMMATIVE EVALUATIONS AND PERFORMANCE REVIEW EVALUATIONS OF TEACHERS**

Summative Evaluations in the Van Meter Community School District are primarily for the purpose of determining if probationary teachers (initially licensed or new to the district teachers) have met the Iowa Teaching Standards and the basic instructional and employment expectations of the Van Meter Community School District.

Performance Review Evaluations in the Van Meter Community School District are primarily for the purpose of professional growth and improvement of instruction. However, results may also be used by the Employer for such things as employing, dismissing, retaining or advancing an Employee on the salary structure. The District shall not use student scores on any district assessments as the sole procedure in evaluating an individual teacher.

### **B. NOTIFICATION**

The building principal shall acquaint each Employee under his/her supervision with the evaluation procedures and the instrument to be used. The Employee will be notified regarding whether they will be completing a Performance Review Evaluation or Summative Evaluation.

### **C. OBSERVATIONS**

All observations of an Employee shall be conducted with the full knowledge of the Employee. The administration may make unannounced visits at their discretion. These visits may be used for evaluation of the employee.

### **D. OBSERVATION PROCEDURES**

- a. Pre observation Conference -The first formal observation of the year shall be preceded by a pre-observation conference.
- b. Observation Length – Each Performance Review Evaluation or Summative Evaluation shall include at least one (1) classroom observation consisting of a completed lesson. Unannounced visits can be a class period or less.
- c. Observation Conference–Feedback will be given to the Employee and a post-observation conference shall be held between the Employee and the building principal when needed. Information resulting from observations will be utilized in preparation of the Employee's written Summative Evaluation for Beginning

Teachers and Probationary Career Teachers and the Performance Review for non-probationary Career Teachers.

#### **E. SUMMATIVE EVALUATION AND PERFORMANCE REVIEW EVALUATION**

Evaluative determinations and conclusions shall be based on the performance of the Employee. A written copy of the Summative Evaluation or Performance Review Evaluation signed by both parties shall be given to the Employee. The Employee's signature does not necessarily mean agreement with the evaluation but rather awareness of the content. The Employee shall have the right to attach a written response to the document. The copy of such objections shall be signed by both parties to indicate awareness of the content.

#### **F. INDIVIDUAL PROFESSIONAL DEVELOPMENT PLAN**

There will be an annual review of each Individual Professional Development Plan (IPDP.)

#### **G. EVALUATION FILE**

Each Employee shall have the right to review the contents of his/her personnel file during normal business hours. Any complaints directed toward an Employee that are placed in his/her file are to be called to the teacher's attention within five days

#### **H. MENTORING PROGRAM**

The model comprehensive evaluation system developed by the Iowa Department of Education will be used by the District to determine successful completion of the mentoring program under Chapter 284 of the Iowa code.

#### **I. INTENSIVE ASSISTANCE PROCEDURES**

*Purpose:* The Specific Intensive Assistance Plan provides a good faith effort to support and guide the career teacher in meeting the expectations set forth in the Iowa Teaching Standards. This plan provides a more structured and intensive mode of supervision for the staff member who is not consistently demonstrating one or more of the Iowa Teaching Standards or Van Meter Teacher Competencies.

This plan will be implemented to provide the highest likelihood for professional improvement. This process may begin at any time. Because of the personal nature of this plan, confidentiality is expected of all participants. The teacher continues to work on the District and Individual Teacher Professional Development Plans while the teacher and the evaluator attempt to resolve the problem.

A teacher who previously participated in an intensive assistance program shall not be entitled to participate in another intensive assistance program relating to the same standards, criteria, or competencies.

Following a teacher's participation in an intensive assistance program, the teacher shall be reevaluated. If the teacher did not successfully complete the intensive assistance program, the board may:

- Terminate the contract immediately;

- Terminate the contract at the end of the year:
- Continue the contract for a period not to exceed one year and the contract shall not be subject to termination provisions in 279.15.

The Intensive Assistance Plan consists of two phases.

**Awareness Phase:**

In the awareness phase, the administrator/evaluator identifies a problem relating to the Teaching Standards that is characteristic of a teacher's performance rather than an anomaly. The evaluator should contact the teacher in writing and make him/her aware of the problem. Collaboratively, the teacher and evaluator develop the means to resolve the problem and schedule a time (not to exceed three months) to discuss resolution. At the conclusion of the agreed upon timeframe, the evaluator will review the progress and will make one of the following recommendations:

- The problem is resolved and documentation is placed in the Employee's personnel file.
- In the event the problem is not resolved, the staff member is notified in writing, documentation is placed in the Employee's personnel file, and the staff member is placed into the assistance phase.

**Assistance Phase:**

After the final meeting of the Awareness Phase, a letter will be sent to the staff member to formally notify him/her of placement in the Assistance Phase. A copy is forwarded to the Superintendent's office and is placed in the personnel file. A conference will be held between the staff member and the evaluator to develop an Assistance Plan that must include a specific statement of problems related to one or more of the Iowa Teaching Standards or Van Meter Educator Competencies as well as specific growth promoting goals that are measurable, action oriented, realistic, and timebound. In addition the plan will include strategies to be applied in achieving the goals, intended timelines for the strategic actions, and specific criteria for evaluating the successful completion of the plan.

The identified teacher may enlist the help of a team of individuals who have the knowledge and skills to assist the teacher in improving his/her performance.

At the end of the designated time frame, one of three recommendations will be made at the end of the Intensive Assistance Plan:

- The problem is resolved; the staff member is removed from the Assistance Plan.
- Progress is noted, the timeline is extended but may not exceed twelve months according to Iowa law and work continues in the assistance phase.
- The problem is not resolved, progress is not noted. Actions are then taken by the district to move towards a recommendation for nonrenewal of contract.

**A classified staff evaluation will be completed annually by your supervisor.**

### **Mandatory Cooperation in Workplace Investigations**

Any workplace investigation conducted by administrative staff or their designee will receive complete cooperation of all employees.

### **Mandatory Reporting of Post-Employment Arrests and Convictions**

Any employee who is arrested or convicted of any criminal charges shall report such information to Deron Durlinger, Superintendent, within 24 hours. Failure to do so shall incur discipline, up to and including termination.

### **Probationary Status**

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

Licensed employees may also serve a probationary period based on performance. Such probationary period is 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. **(IASB Policy Reference Manual-405.4 & 405.9)**

The probationary period for classified employees is one year from initial date of employment unless otherwise stated to an individual employee.

### **Public Complaints about an Employee**

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

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

- (a) Matters should first be addressed to the teacher or employee;
- (b) Unsettled matters from (a) above or problems and questions about individual attendance centers should be addressed to the employee's building principal;
- (c) Unsettled matters regarding (b) above or problems and questions concerning the school district should be directed to the superintendent;

- (d) If a matter cannot be settled satisfactorily by the superintendent, it may be brought to the board in writing and signed. It is within the board's discretion to hear and act upon complaints. **(IASB Policy Reference Manual-402.5)**

## **Qualifications, Recruitment, and Selection**

Job applicants for all 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 consistent with board policy, state law, and the Affirmative Action Plan.

The board will approve employees after receiving recommendations from the superintendent. The superintendent, however, will have the authority to hire an employee on a temporary basis until a recommendation can be made and action can be taken by the board on the position. **IASB Policy Reference Manual-405.2)**

## **Release of Credit Information**

The following information will be released to an entity with whom an employee has applied for credit or has obtained credit: title of position, income, and number of years employed. This information will be released without prior written notice to the employee as it is all public information. Confidential information about the employee will be released to an inquiring creditor with a written authorization from the employee. **(IASB Policy Reference Manual-402.1)**

## **Transfers**

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

Classified staff refer to immediate supervisor for job placement.

## **TRANSFER PROCEDURES**

### **A. TERMS**

The Employer reserves the right to assign and/or transfer an Employee(s) according to the needs of the School District. Changes in assignment may be made upon the initiative of the Employer, or by request of Employee. All such reassignment shall be made with the full knowledge of all parties involved.

### **B. VOLUNTARY TRANSFER**

1. Job Posting - After a vacancy has occurred, the Superintendent will post a notice within ten (10) days in all school administrative offices and notify staff via email.
2. Filing Requests
  - a. An Employee(s) who wishes to request a transfer is required to first notify, in writing, their principal and Superintendent of their intent.
  - b. A voluntary transfer will be given consideration by the Employer in any transfers.
  - c. When a vacancy occurs, an interview will then be arranged with the principal to which the Employee wishes to transfer. After the interview, the Employer shall notify the Employee of his/her decision.
  - d. If a voluntary transfer request is denied, the Superintendent or his/her designee will meet with the Employee and discuss the reason(s) the transfer was denied.

### C. INVOLUNTARY TRANSFER

1. An involuntary transfer is a transfer not initiated by the Employee's request.
2. Changes in assignment may be made upon the initiative of the Employer. All such reassignments shall be made with the full knowledge of all parties involved. Prior to involuntarily transferring an Employee, the Employer will consider filling such position with a current Employee who has made a voluntary transfer request. If there is not a qualified voluntary transfer request, the employer will select the appropriate employee.
3. Whenever a transfer is to occur, affected Employee(s) will be notified as soon as possible.

After the Employee has been notified of said transfer, the employee, Superintendent and/or principal, will conduct a conference to discuss the reason(s) for said transfer.

### Work Day

The work day for employees will begin at a time established by the superintendent or building principals. "Day" is defined as one work day regardless of full-time or part-time status of an employee.

Employees are to be in their assignment during the work day. Advance approval to be absent from the school building must be obtained from the principal or supervisor whenever the employees must leave the school building during the work day. **(IASB Policy Reference Manual-405.5)**

1. There is a need to be flexible in the daily hours of service. The expectation is teachers put in the required time of approximately 8 hours a day and 40 hours per week. With administrative approval, teachers may be given the latitude to begin and end their work day needed to accomplish all assigned duties and responsibilities. These duties and responsibilities include but are not limited to

professional and parent meetings, instruction, collaboration, planning, and student supervision.

2. Employees shall attend such professional meetings (in-service, staff, parent-teacher conferences, subject area meetings, open house, etc.) called by the administrator for coordinating the work of Employees in the school program. These meetings may start before or extend beyond the general work day, and every effort will be made to not exceed more than 2.5 hours per week.
3. An Employee may leave the building after receiving permission from their respective supervisor.

## DISTRICT PROCEDURES AND GUIDELINES

### Breastfeeding

Section 4207 of the Affordable Care Act amends the Fair Labor Standards Act (FLSA) of 1938 ([29 U.S. Code 207](#)) to require an employer to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express milk. The employer is not required to compensate an employee receiving reasonable break time for any work time spent for such purpose. The employer must also provide a place, other than a bathroom, for the employee to express breast milk. For additional information, please visit the “Break Time for Nursing Mothers” section of the United States Department of Labor website located at <http://www.dol.gov/whd/nursingmothers/>.

### Child Labor

Van Meter Community School District complies with both state and federal child labor laws. Under Iowa Child Labor laws, Iowa Code Chapter 92, minors under the age of 18 are prohibited from working in certain occupations, performing certain duties, and from using certain equipment. For more information on federal child labor laws, contact the U.S. Department of Labor, Wage and Hour Division, in Des Moines at (515) 284-4625 or visit <http://www.iowaworkforce.org/labor/childlabor.htm>.

### Copyright

Copyright is a form of intellectual property that protects original works of authorship including literary, dramatic, musical, and artistic works. The copyright laws of the United States make it illegal for anyone to duplicate copyrighted materials without permission. Severe penalties are provided for unauthorized copying of all materials covered by the act unless the copying falls within the bounds of the “fair use” doctrine. Any duplication of copyrighted materials by district employees must be done with permission of the copyright holder or within the bounds of “fair use.” **(IASB Policy Reference Manual-605.7)**

Additional information about copyright and fair use, please visit the “Frequently Asked Questions about Copyright” section of the United States Copyright Office located at <http://copyright.gov/help/faq/index.html>.

### Discipline

Employee violations of board policy and work rules may result in discipline, up to and including termination. All employees who do not have a 279.13 teaching contract or 279.24 administrator contract are considered "at-will" employees and serve at the will of the board. Employees whose employment is terminated will be given the appropriate level of due process as required by law.

## Employee Recognition

Van Meter Community School District recognizes and appreciates the services of its employees. Employees who retire or resign may be honored by the board, administration and staff in an appropriate manner.

If the form of honor thought appropriate by the administration and employees involves unusual expense to the school district, the superintendent will seek prior approval from the board. **(IASB Policy Reference Manual-401.8)**

## Employee Publication or Creation of Materials

Materials created by employees and/or the financial gain therefrom are the property of the school district if school materials and/or time were used in their creation and/or such materials were created in the scope of the employee's employment unless prior arrangements are made. The employee must seek prior written approval of the superintendent concerning such activities. **(IASB Policy Reference Manual-408.2)**

## Nepotism

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

The employment of more than one individual in a family is on the basis of their qualifications, credentials, and records. **(IASB Policy Reference Manual-401.3)**

## Professional Development

High quality teaching is imperative for student success and professional development plays a key role in this success. Employees are expected to attend all professional development opportunities and staff meetings provided by the school district unless they are on leave or have been excused by the building principal.

Requests for attendance or participation in a development program, other than those development programs sponsored by the district, must be obtained prior to attendance by a licensed employee in a professional development program when the attendance would result in the licensed employee being excused from their duties or when the school district pays the expenses for the program. **(IASB Policy Reference Manual-408.1)**

## Religious Holiday Celebrations in Public Schools

Public school officials need to be respectful of the religious beliefs of employees and students. The Iowa Department of Education has provided the following non exhaustive checklist for prohibited and permissive activities related to religious holiday celebrations in public schools.

This information may be located at

<https://www.educateiowa.gov/resources/laws-and-regulations/legal-lessons/religious-holiday-celebrations-public-schools>.

#### **Prohibited Activities:**

- Displays of religious symbols such as a crèche, an angel, a menorah, or a banner with a religious message (e.g., “Gloria in Excelsis Deo,”) )
- Display of a Christmas tree with religious symbols such as stars, angels, the baby Jesus.
- School-wide prayer or Scripture readings.
- A musical concert with exclusively religious music.
- Banning students from offering candy canes or other items with a religious message during noninstructional time (before or after school or during a recess) and not done in the classroom. Schools may still prohibit distribution within classrooms.
- Holding a “Christmas Party” in the classroom. (A “holiday” or “end of semester” or “end of 2019” party is OK).

#### **Permissible Activities:**

- Including religious music selections during public holiday concerts if non-religious music is included.
- Holding holiday concerts at religious sites if the concerts are also held at non-religious sites.
- Displaying a “giving tree,” (e.g., a tree on which students hang donated items such as mittens, gloves, etc.)
- Displays of religious symbols when combined with other symbols of cultural and ethnic heritage such as Kwanzaa symbols, Frosty the Snowman, other festive figures, a “Happy Holidays” banner, etc.
- Displays of symbols representing many religious beliefs, even without non-religious symbols. But, just displaying symbols from Christianity and Judaism is an impermissible endorsement of dual beliefs. The display must present a message of pluralism and freedom to choose one’s own beliefs.

## **School Fees**

Iowa law identifies the types of fees schools can charge. School districts only have the authority to charge fees for textbooks, school supplies, eye and ear protective devices, summer school, driver’s education and transportation for students not eligible for free transportation. For those that are charged, the fees must be waived or reduced for those students who meet the eligibility requirements for free or reduced priced lunch. Employees cannot charge a student fee for anything without prior consent of their building principal or district superintendent.

## **School Lunch Program**

Van Meter Community School District operates a lunch and breakfast program. Employees may purchase meals and other items, including milk.

## School Publicity and Community Relations

Van Meter CSD staff are the connection between the schools and the community. Employees are expected to work in a professional manner with parents and the community, when appropriate, for their positions. Teachers especially are expected to work closely with parents throughout the school year to ensure the success of all students, as parents are vital partners in the education of their children.

The use of students, the school district name, or its buildings and sites for advertising and promoting products and/or services of entities and organizations operating for a profit is disallowed. Nonprofit entities and organizations may be allowed to use students, the school district name, or its buildings and sites if the purpose is education related and prior approval has been obtained from the board. **(IASB Policy Reference Manual-904.2)**

## Staff Meetings

Staff meetings provide an opportunity for the communication of important school district information to be shared between administration and employees. Employees are expected to attend staff meetings unless they are on leave or excused by an administrator.

## **CONDUCT IN THE WORKPLACE**

### **Employee Use of Cell Phones**

School district and personal phones and message devices are to be used appropriately at times that do not conflict with the employees' duties. All personal calls should be made during sanctioned breaks. District telephones are only for official school business. Failure to follow this guideline will result in disciplinary action.

### **Fighting**

Any verbal or physical altercations between or among employees or others will not be tolerated and may subject the employee(s) to disciplinary action.

### **Fraud/Unlawful Gain**

Any deliberate deception which secures an employee unfair or unlawful gain will be grounds for discipline and may be turned over to law enforcement. The school district will also file a complaint with the Iowa Board of Educational Examiners' as a violation of their Code of Ethics and the district will also petition for license revocation.

### **Neglect of Duties**

All employees are mindful that students are not to be left unattended and employees should not place themselves in any position where student safety is at risk or neglect of duty could be claimed. Employees, in a supervisory role, needing to leave an area where students are present must ensure another adult is present before leaving.

### **Offensive or Abusive Language**

Threatening, intimidating, or using abusive and profane language by school district employees towards others, including derogatory slurs, will not be tolerated. Violation will incur discipline, up to and including termination.

### **Performing Unauthorized Work While on Duty**

All district employees are prohibited from performing unauthorized work while on duty. Doing so could result in discipline, up to and including termination.

### **Use of School Facilities and Equipment**

Van Meter Community School District attempts to maintain equipment and supplies which permit work to be accomplished in the most efficient and effective manner possible. While

employees are encouraged to use these items, it is important to understand that they are school district property only to be used for conducting school district business.

Abuse or misuse of school district or non-district owned property is to be reported immediately. Failure to do so will limit district responsibility or increase employee responsibility. It is expected all employees will use care and caution using district and non-district property. Abuse or misuse or unauthorized use of district property, private property, materials, and equipment is subject to disciplinary action.

## **Use of Time**

An employee is responsible for the time on the job which he/she is assigned. Each employee must develop work habits and systems to eliminate back-tracking or poor usage of time. This requires initiative and planning on the employee's part. Do not allow students, teachers, fellow workers or others to interrupt your work with lengthy conversations; simply excuse yourself and say you have work to do.

Actions such as the following are strictly prohibited by employees and will result in discipline: loafing, loitering, sleeping, engaging in unauthorized personal business or prolonged visiting while on duty.

## **EMPLOYEE STANDARDS OF CONDUCT**

### **Academic Freedom**

Van Meter Community School District's curriculum leaves room for teacher discretion and academic freedom within the confines of acceptable materials as outlined in each curriculum. Teachers are expected to use good judgment in their pedagogy and consider the culture and climate of the school and community and age of the students, as they individualize curriculum and provide a learning environment and assignments for their students.

### **Break or Meal Periods**

Leaving the place of duty during a work shift without permission of *direct supervisor* is cause for discipline, except during unpaid break periods. Employees are expected to return to work immediately upon completion of a paid or sanctioned unpaid break.

### **Dress and Grooming**

All employees are required to dress in a professional and appropriate manner. Any clothing which could be deemed unsafe could result in disciplinary action. Clothing deemed inappropriate will be discussed with the employee. Tank tops, tube tops, sleeveless shirts, short shorts and halter tops are not considered professional attire. As role models for students, all staff members are expected to not only dress appropriately, but to practice exemplary hygiene. Employees are also expected to utilize safety equipment assigned them during the performance of their duty.

Employees furnished work uniforms are expected to keep them clean and in good repair. The uniforms must be returned to the district when they become unwearable or upon termination of employment.

### **Employee Outside Employment**

The board believes that the primary responsibility of employees is to the duties of their position within the school district as outlined in their job description. The board considers an employee's duties as part of a regular, full-time position as full-time employment. The board expects such employees to give the responsibilities of their positions in the school district precedence over any other employment. Employees with external employment must keep the two positions separate and the external job cannot impact the school district job. Should a supervisor believe the external position is impacting the internal one; the supervisor will address it with the employee.

### **Employee Political Activity**

Employees will not engage in political activity on district property under the jurisdiction of the board. Activities including, but not limited to, posting or distribution of political circulars or petitions, the collection or solicitation for campaign funds, solicitation for campaign workers,

and the use of students for writing or addressing political materials, or the distribution of such materials to or by students are specifically prohibited. Violation of this policy may be grounds for disciplinary action. **(IASB Policy Reference Manual-401.9)**

## **Ethics – Board of Educational Examiners (BOEE)**

School district employees are expected to perform their jobs in an ethical and honest manner consistent with board policy and the Iowa Board of Educational Examiners (BOEE) rules. Any actions deemed unethical or dishonest will incur appropriate discipline. Licensed staff members are expected to know and understand the Code of Professional Conduct and Ethics of the BOEE. The BOEE's Code of Professional Conduct and Ethics constitutes mandatory minimum standards of practice for all licensed employees. While classified employees, except coaches, are not subject to the BOEE Code of Ethics, it is good guidance for all employees and recommended reading for classified employees as well. For a copy of the ethics code, please visit <http://www.boee.iowa.gov/doc/ethHndot.pdf>.

## **Failure to Complete Reports**

In order to have the school district function in a timely manner, all employees are expected to meet deadlines for all assigned paper or electronic reports, including but not limited to: time sheets, grade reports, student records, IEP documentation and testing results. Failure to meet the deadline may result in disciplinary action.

## **Gifts**

Employees will not, either directly or indirectly, solicit, accept or receive any gift or series of gifts, unless the gift is valued at less than three dollars or has a negligible resale value. Honorariums may be received but must be turned over to the school district unless the employee was on his or her own time, the donor does not meet the definition of "restricted donor" or the gift or honorarium does not meet the definition of gift or honorarium. **(IASB Policy Reference Manual-402.4)**

## **Insubordination**

Insubordination, disobedience, failure or refusal to follow the written or oral instructions of supervisory authority or to carry out work assignments will not be tolerated. Insubordination will result in discipline up to and including termination.

## **Relationships with Co-Workers**

School district employees are encouraged to create an environment where co-workers' collaboration and cooperation add to the overall functioning of the district and fulfillment of individual job responsibilities. All employees must have a respectful attitude toward their job and co-workers, and they should not allow students, teachers, fellow workers or others to interrupt or demean their work.

## Staff Technology Use/Social Networking

Usage of the school district's computer resources is a privilege, not a right, and use entails responsibility. All information on the school district's computer system is considered a public record. Whether there is an exception to keep some narrow, specific *content* within the information confidential is determined on a case by case basis. Therefore, users of the school district's computer network must not expect, nor does the school district guarantee, privacy for e-mail or use of the school district's computer network including web sites visited. The school district reserves the right to access and view any material stored on school district equipment or any material used in conjunction with the school district's computer network.

Employees shall not post confidential or proprietary information, including photographic images, about the school district, its employees, students, agents or others on any external web site without consent of the superintendent. The employee shall adhere to all applicable privacy and confidentiality policies adopted by the school district when on external web sites. Employees shall not use the school district logos, images, iconography, etc. on external web sites. Employees shall not use school district time or property on external sites that are not in direct-relation to the employee's job. Employees, students and volunteers need to realize that the Internet is not a closed system and anything posted on an external site may be viewed by others, all over the world. Employees, students, and volunteers who do not want school administrators to know their personal information, should refrain from exposing it on the Internet. Employees, who would like to start a social media site for school district sanctioned activities, should contact the superintendent and must work with Mike Linde, Technology Director in establishing and maintaining the site. **(IASB Policy Reference Manual-401.13)**

## Theft

All thefts should be reported immediately to a principal or supervisor. Any finding of theft will result in appropriate discipline, up to and including termination.

## Treatment of Patrons of the District

Patrons of the Van Meter Community School District are to be treated with respect on school grounds and at school events. Employees should be courteous at all times, and report to district administration any mistreatment by district patrons.

## Volunteers

The board recognizes the valuable resources it has in the members of the Van Meter Community School District community. When possible and in concert with the education program, members of the school district community may be asked to make presentations to the students or to assist employees in duties other than teaching. The school district may officially recognize the contributions made by volunteers.

Any volunteer who works with students for an extended time will be subject to a background check.



## STUDENT AND CLASSROOM ISSUES

### Abuse of Students by a School District Employee

School district employees are encouraged to create professional relationships with students so as to assist with their learning. Employees should not create relationships with students that are unhealthy or illegal. Adults must always be in a position to be trusted and caring for students, but the district will not tolerate any inappropriate relationships.

Physical or sexual abuse of students, including inappropriate and intentional sexual behavior, by employees will not be tolerated. Employees found in violation of this policy will be subject to disciplinary action up to and including discharge.

Van Meter Community District will respond promptly to allegations of abuse of students by school district employees by investigating or arranging for the investigation of an allegation. Employees are required to assist in the investigation when requested to provide information and to maintain confidentiality of the reporting and investigation process. **(IASB Policy Reference Manual-402.3)**

***NOTE:** This is a reflection of current Iowa law regarding abuse of students by school district employees. Refer to the Iowa Department of Education training manual for supporting materials and forms. The training manual can be located at:*

*[http://www.iowa.gov/educate/index.php?option=com\\_content&view=article&id=860:chapter-102-level-i-investigator-manual&catid=411:legal-lessons](http://www.iowa.gov/educate/index.php?option=com_content&view=article&id=860:chapter-102-level-i-investigator-manual&catid=411:legal-lessons)*

### Child Abuse Reporting

Van Meter Community School District believes in protecting our students and we strive for them to be productive without outside factors weighing on their ability to learn. In compliance with state law and to provide protection to victims of child abuse, the board believes incidents of alleged child abuse should be reported to the proper authorities. Employees are required as mandatory reporters, to report alleged incidents of child abuse they become aware of within the scope of their professional duties.

Child abuse is the result of the acts or omissions of a person responsible for the care of a person under the age of 18 who has suffered one or more of the categories of child abuse as defined in IOWA CODE 232.68 (physical abuse, mental injury, sexual abuse, denial of critical care, child prostitution, presence of illegal drugs, manufacturing or possession of a dangerous substance, bestiality in the presence of a minor, allows access by a registered sex offender, or allows access to obscene material).

When a mandatory reporter suspects a student is the victim of child abuse, the mandatory reporter will orally or in writing notify the Iowa Department of Human Services. If the mandatory reporter believes the child is in immediate danger, the local law enforcement agency

will also be notified. Within forty-eight hours of the oral report, the mandatory reporter will file a written report with the Iowa Department of Human Services.

Within six months of their initial employment, mandatory reporters will take a two-hour training course involving the identification and reporting of child abuse, or submit evidence they have taken the course within the previous five years. The course will be re-taken at least every three years. **(IASB Policy Reference Manual-402.2)**

## Field Trips

In certain classes, field trips and excursions are authorized and may be taken as an extension of the classroom to contribute to the achievement of the educational goals of the school district. If a field trip is required for a course, students are expected to attend the field trip, unless an appropriate reason prohibits attendance. The field trip must be approved by building principal in advance.

## Individuals with Disabilities Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) is a federal law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible children. Employees are expected to comply with IDEA. For additional information regarding IDEA, please visit The United States Department of Education website, located at <http://idea.ed.gov/explore/home>. Additionally, employees are expected to follow school district procedures for identifying students who need additional assistance and meet the needs of identified students.

## Homework and Grading

Van Meter Community School District uses a standards based grading philosophical approach to student grades. Building Principals will outline teacher expectations for grading.

***NOTE:** For additional information on this topic, including student assessment tips, please visit the "Student Assessment" section of the Iowa Department of Education's website located at <https://www.educateiowa.gov/student-assessment>.*

## Parent/Teacher Conferences

Building principals will work with teachers on the process for scheduled Parent/Teacher Conferences. Teachers are expected to regularly communicate with parents in regards to student welfare and progress.

## Searches of Students and Property

In order to protect the health and safety of students, employees, and visitors to the school district and for the protection of the school district facilities, students and their belongings and school owned property may be searched or inspected. A search of a student will be justified when there are reasonable grounds for the suspicion that the search will turn up evidence that the student has

violated or is violating the law or school district policy, rules, or regulations affecting school order. Employees must never search, pat down or otherwise inspect a student and his or her belongings without the notification of the principal. The principal will determine whether there is a reasonable belief that a law, school rule or board policy has been violated to justify the search or whether law enforcement should be contacted. Employees should never search or inspect a student's person or belongings without another adult present and only adults of the same sex of the student should be present during the search or inspection. For additional information regarding searches of students and property, please consult IOWA CODE 808A.1.

## **Standardized Testing and Assessment**

Assessment is an important part of the education process and the school district is committed to ensuring the integrity of testing and assessment practices. Employees are expected to administer standardized tests consistent with Iowa law and Board of Educational Examiners ethical codes that promote the integrity of the assessment and the validity of student responses. Failure to do so may result in disciplinary action up to and including termination. For additional information regarding the applicable standard in the Iowa Board of Educational Examiners Code of Professional Conduct and Ethics, please visit The Board of Educational Examiners website located at <http://www.boee.iowa.gov/doc/ethHndot.pdf>. **(IASB Policy Reference Manual-505.4)**

## **Student Funds and Fund Raising**

Student fundraising for school activities may occur upon approval of the Activities Director and building principal at least two weeks prior to the fund raising event or the start of a fund raising campaign and with an employee overseeing the fundraising. The administration may request an earlier approval date for fundraisers. Funds raised remain in the control of the school district and the board. School-sponsored student organizations must identify a specific purpose for fundraising and secure the approval of the principal prior to spending the money raised.

## **Student Records**

School employees are entrusted with confidential information – whether it is about students or fellow employees. Employees must not disclose confidential student information unless it is to someone who has a legitimate educational interest in knowing the information. Please contact the district office if you have a request for student records.

Give careful thought to what you discuss concerning school matters whether with parents, colleagues, and members of the community. Rumors and criticism are promoted by outside gossip. Many rumors and unnecessary criticism can be avoided by referring community members to the school principal or appropriate staff member. Much care and judgment must be exercised in the handling of confidential information. A break in confidentiality can result in disciplinary action, up to and including termination, and expose the employee to personal liability for violation of Iowa's privacy law.

## Transporting of Students by Employees

Generally, transportation of students is in a motor vehicle owned by the school district and driven by an employee. Only in rare cases, such as an emergency or a sick child, should an employee transport a student in the employee's personal vehicle and then another adult must be present. In some cases, it may be more economical or efficient for the school district to allow an employee of the school district to transport the students in the employee's motor vehicle and will be done so after approval of the superintendent. **(IASB Policy Reference Manual-401.6)**

- Transportation Requests – All transportation requests need to be pre approved by the building principal and transportation director.

## Tutoring

Every effort will be made by the licensed employees to help students with learning problems before recommending that the parents engage a tutor. Since there are exceptional cases when tutoring will help students overcome learning deficiencies, tutoring by licensed employees may be approved by the superintendent. Licensed employees may only tutor students other than those for whom the teacher is currently exercising teaching, administrative or supervisory responsibility unless approved by the superintendent.

Tutoring for a fee may not take place within school facilities or during regular school hours unless approved by the superintendent and the fees go to the school district, not the teacher. **(IASB Policy Reference Manual-408.3)**

## HEALTH AND WELLBEING

### Administering Medication

The supervision of any medication distribution to students shall be in strict compliance with the rules and regulations of the board. District employees may not dispense or administer any medications, including prescription and non-prescription drugs, to students except as outlined in board policy.

### Anti-Bullying and Anti-Harassment

Harassment and bullying of students and employees are against federal, state and local policy, and are not tolerated by the Van Meter Community School District. The board is committed to providing all employees and students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. To that end, the board has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as processes and procedures to deal with incidents of bullying and harassment. Bullying and harassment of employees and students by other students, by school employees, and by volunteers will not be tolerated in the school or school district.

The board prohibits harassment, bullying, hazing, or any other victimization; of employees and students, based on any of the following actual or perceived traits or characteristics, including but not limited to, age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status. Harassment against employees based upon the employee's race, color, creed, sex, sexual orientation, gender identity, national origin, religion, age or disability is also prohibited. **(IASB Policy Reference Manual-104)**

*NOTE: All bullying and harassment forms can be found at the school's website [www.vmbulldogs.com](http://www.vmbulldogs.com).*

*NOTE: For additional information, including applicable forms, please visit the "Anti-Bullying/Anti-Harassment" section of the Iowa Department of Education's website, located at <https://www.educateiowa.gov/pk-12/learner-supports/anti-bullyinganti-harassment> and the "Bullying and Harassment" section of the Iowa Department of Education's website, located at <https://www.educateiowa.gov/resources/laws-and-regulations/legal-lessons/bullying-and-harassment>.*

### Title IX Procedure Manual

### Bloodborne Pathogens

Annually, all employees will be required to take the bloodborne pathogens training.

**NOTE:** The mandatory poster for Job Safety and Health may be located on the United States Department of Labor's website <https://www.osha.gov/Publications/poster.html> and the Iowa specific poster may be located on the Iowa Workforce Development website <http://www.iowaworkforce.org/labor/iosh/70-8025.pdf>.

## Communicable Diseases – Employees

Employees with a communicable disease will be allowed to perform their customary employment duties provided they are able to perform the essential functions of their position and their presence does not create a substantial risk of illness or transmission to students or other employees. The term “communicable disease” will mean an infectious or contagious disease spread from person to person, or animal to person, or as defined by law.

Prevention and control of communicable diseases is included in the school district's bloodborne pathogens exposure control plan. The procedures will include scope and application, definitions, exposure control, methods of compliance, universal precautions, vaccination, post-exposure evaluation, follow-up, communication of hazards to employees and record keeping. **(IASB Policy Reference Manual-403.3)**

## Smoke and Tobacco Free Workplace

Van Meter Community School District is committed to providing a safe and healthy workplace and to promoting the health and well-being of employees. As required by Iowa Code 142D, the Iowa Smokefree Air Act, and also motivated by a desire to provide a healthy work environment, Van Meter Community School District prohibits smoking, and the use of tobacco and nicotine products as cited in board policy, on all school grounds and in school vehicles.

## Substance Free Workplace

Alcoholic beverages, illegal substances, and legal substances used illegally shall not be consumed at any time during the employee's work shift. It is in violation of school district work rules for an employee to report to work in an unsafe condition, or in a condition which impairs the employee's judgment or performance of job functions due to the use of alcohol or other substances. Unauthorized possession or use of alcoholic beverages or other substances during work hours, while on district time or property, or while engaging in district business will result in discipline, including immediate dismissal.

It is a violation of the federal Substance-Free Workplace law 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 further defined by regulation at 21 C.F.R. 1300.11 through 1300.15 and IOWA CODE Chapter 124.

"Workplace" is defined as the site for the performance of work done in the capacity as an employee. This includes school district facilities, other school premises or school district

vehicles. Workplace also includes off school property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

Employees who operate school vehicles are subject to mandatory random and scheduled federal drug and alcohol testing if a commercial driver's license is required to operate the vehicle and the vehicle transports sixteen or more persons including the driver. For regulations and forms please visit the Federal Motor Carrier Safety Administration website located at <http://www.fmcsa.dot.gov/rules-regulations/topics/drug/drug.htm?>

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.

### **Employee Injury on the Job**

Employee, as well as student safety, is a major district concern, and employees should remove themselves from and report any situations where their safety may be compromised. When an employee becomes seriously injured on the job, the employee's supervisor will attempt to notify a member of the family, or an individual of close relationship, as soon as the employee's supervisor becomes aware of the injury.

If possible, an employee may administer emergency or minor first aid. An injured employee will be turned over to the care of the employee's family or qualified medical employees as quickly as possible.

It is the responsibility of the employee injured on the job to inform Katie Hovda, school nurse, Shonna Trudo, and the employee's direct supervisor within twenty-four hours of the occurrence. It is the responsibility of the employee's immediate supervisor to file an accident report within twenty-four hours after the employee reported the injury. **(IASB Policy Reference Manual-403.2)**

### **Employee Physical Examination**

Good health is important to job performance. Employees will present evidence of good health, in the form of a physical examination report, prior to their employment with the Van Meter Community School District. Except for bus drivers, employees won't be required to produce evidence of good health on a regular basis. The school district, however, reserves the right to require an employee to produce evidence of the ability to perform the job should there be an issue with an employee's performance. **(IASB Policy Reference Manual-403.1)**

## Hazardous Chemical Disclosure

Each employee will 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, is included in the employee's orientation. When an additional hazardous substance enters the workplace, information about it is distributed to all employees, and training is conducted for the appropriate employees. Shonna Trudo will maintain a file indicating which hazardous substances are present in the workplace and when training and information sessions take place. **(IASB Policy Reference Manual-403.4)**

**NOTE:** The mandatory poster for Job Safety and Health may be located at <https://www.osha.gov/Publications/poster.html> and the Iowa specific poster may be found at <http://www.iowaworkforce.org/labor/iosh/70-8025.pdf>. School districts should also include in this item where the mandatory poster will be displayed.

## LEAVES AND ABSENCES

### Absenteeism

In order to accomplish the goals and mission of the Van Meter Community School District, daily attendance by all employees is imperative. Employees are encouraged to limit absenteeism to emergencies and appropriate instances that cannot be scheduled outside of a workday.

Employees must notify their building principal and direct supervisor of all times when they will be absent. Absences arranged in advance (vacations and personal days) do not require a call when absent or when returning to work, unless outside the scheduled time off. If an employee is absent without proper notification and authorization, the employee shall be considered to have abandoned his or her position and may be terminated. Misuse of leave procedures or misrepresentation of reasons for leave may lead to disciplinary action. Failure to report promptly at the starting time or leaving before the scheduled quitting time or failure to timely notify the proper supervisor of impending absence or tardiness, prior to designated starting time, is reason for disciplinary action. Leaves of absences without pay are not encouraged. Requests for leave of absence without pay will generally be denied. Every employee should know to whom they report absences and submit leave requests.

Contact your building principal or director supervisor for proper procedures regarding absenteeism.

### Sick Leave

A regular full-time Licensed or Classified Employee will be granted a leave of absence for illness, pregnancy, or off-the-job injury with full pay in the following amounts:

**Each year:** 15 work days

The maximum sick leave accumulation is one hundred twenty (120) days for a Licensed Employee (employees with more than 120 accumulated sick days can keep the amount they have entering the 2019-2020 school year) The current school years days allowable are to be granted beyond the accumulated days. In no case shall more than one hundred twenty (120) days be available for use in any one school year for a Licensed Employee (unless more days have been previously accumulated and are available). Licensed employees who have a minimum of thirty (30) days in their sick leave bank may exchange fifteen (15) sick days for one (1) personal day each year. Written requests must be made to the superintendent by August 31st of the current school year. Personal leave guidelines per the employee handbook apply.

Classified Employees can accumulate up to sixty (60) days of sick leave.

A newly hired Licensed Employee coming into the Van Meter School District who has taught elsewhere in the previous two (2) years will be allowed to transfer in up to ten (10) days of sick leave if it was earned and unused, with verification from a previous district required.

All accumulated sick leave will be forfeited upon termination of employment.

The Employee shall notify the building principal in advance in cases where the Employee anticipates the illness will result in temporary disability of more than five (5) work days.

To qualify for payment, the Employer has the right to require such medical evidence as it deems necessary to substantiate the absence. It is the Employee's responsibility to notify the building principal or supervisor not later than two hours prior to the regular work day to include those employees teaching the early bird schedule, except in an emergency. If possible, notification should be given the previous day.

Sick leave cannot be used where deferment of treatment of medical service would be possible at a time other than the school year.

The minimum amount of sick leave request that can be granted is one-half (1/2) work day. In the event an Employee is off work due to an on-the-job injury, the difference between the Workman's Compensation check and the Employee's regular net earnings will be paid to the Employee and the days absent will be deducted from the Employee's accumulated sick leave.

### **Family Sick Leave**

Accumulated sick leave (up to a total of fifteen (15) days per year) may be taken for illness in the Employee's immediate family which is restricted to the Employee's spouse, child, grandchild and/or parents. Medical evidence of family illness may be required by the Superintendent or his/her designee to substantiate the absence.

### **Professional Leave**

Attendance of education meetings or visitations to view other instructional techniques or programs are permitted with full pay if such absence is approved by the immediate supervisor. The immediate supervisor may require an Employee to attend this type of meeting and under these circumstances, the Employees will be reimbursed for personal car travel and registration fees.

### **Jury Duty Leave**

An Employee required to serve as a juror shall receive regular wages. In order to receive payment for such duty, the Employee must submit certification of service and assign all fees, except mileage and parking allowance, received for such duty to the District. When released from duty during working hours in the a.m., the Employee will report to work and work the p.m. schedule.

### **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 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, employees will make a written request for unpaid leave three 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.

### **Association Leave**

Two Licensed Employees may attend the ISEA delegate assembly annually for two days each. The cost of the substitute teachers shall be paid by the Van Meter Education Association.

### **Emergency and Personal leave**

Licensed and Classified Employees shall be granted a bank of twelve (12) days per year for Emergency leave which can include death or critical illness of immediate family member and/or extended family (i.e. parent, sibling, relative) as well as funerals for friend or neighbor. No deduction of pay shall be made for the days of absence granted. This bank of days cannot accumulate from year to year. Said twelve (12) days maximum may be extended at the discretion of the Superintendent.

Licensed Employees shall be granted leave of absence for personal reasons at a rate of two (2) days per year with full pay. A personal leave day may be used for any purpose at the discretion of the Employee. Use of personal leave cannot be used on a school day immediately before or after a holiday or vacation period, during teacher's in-service or work days, nor during the first or last week of the school year without written permission from the superintendent. Personal leave must be requested through the principal at least five (5) days in advance of its use, except in an emergency. Up to (2) personal days may be accumulated to carry over to the next school year. Up to a maximum of five (5) personal leave days can be accumulated in your personal leave bank which includes the current year's allotment. No more than five (5) personal leave days can be used during a school year. No more than two (2) teachers may be permitted to use personal leave on the same day without written permission from the superintendent.

The emergency leave and personal leave is in addition to the sick leave allowed all Licensed Employees of the District. It is understood, however, that the emergency leave and personal leave (with the exception of two personal days) is not accumulative from one contract year to the next. If a Licensed Employee chooses not to use his/her personal leave days or carry them over to the next year, they are to be paid \$200/day for up to two unused personal days per year. This amount shall be added in a summer paycheck.

Classified Employees shall be granted leave of absence for personal reasons at a rate of two (2)

days per year with full pay. A personal leave day may be used for any purpose at the discretion of the Classified Employee. Use of personal leave cannot be used on a school day immediately before or after a holiday or vacation period, nor during the first or last week of the school year without written permission from the superintendent. Personal leave must be requested through the principal or supervisor at least five (5) days in advance of its use, except in an emergency. Up to one (1) personal day may be accumulated to carry over to the next school year so a maximum of three (3) personal leave days could be used in one school year. No more than two (2) Classified Employees may be permitted to use personal leave on the same day without written permission from the superintendent.

If a Classified Employee chooses not to use his/her personal leave days, they are to be paid their per diem rate for the unused days. This amount shall be added in a summer paycheck.

## **Employee Vacation**

Vacation may be available for those employees who work twelve months a year or as included in an individual contract. Classified Employees on twelve month contracts will be granted two weeks of vacation for their first five years of employment which can only be used after their first six (6) months of employment. Classified Employees on twelve month contracts will be given another week of vacation after being employed for more than five (5) years. Any requested vacation time of two (2) or more consecutive days must be approved by the Classified Employee's direct supervisor or superintendent thirty (30) days prior to the requested time off. All other requests for vacation time must be made 24 hours prior to the requested time off. Vacation days cannot be carried over from year to year. Year as determined by an employee's hiring date.

## **Family and Medical Leave Act**

Paid family and medical leave will be granted up to fifteen (15) days of paid leave not to come out of the employees earned sick leave bank for new mothers and three (3) days of paid leave not to come out of employees earned sick leave bank for new fathers to assist eligible employees in balancing family and work life. The remainder of FMLA leave requests is funded by the employees earned sick leave bank. The use of paid leave will run concurrent with any leave taken pursuant to the Family Medical Leave Act.

Unpaid family and medical leave will be granted up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) per year to assist eligible employees in balancing family and work life. Requests for family and medical leave will be made to the superintendent. Employees eligible for family and medical leave must

comply with the family and medical leave policy and administrative rules prior to starting family and medical leave. **(IASB Policy Reference Manual-409.3)**

For additional information regarding FMLA, please contact Shonna Trudo or visit the “Family and Medical Leave Act” section of the United States Department of Labor’s website, located at <http://www.dol.gov/whd/fmla/>.

***NOTE:** Included in the appendix is a summary of the major provisions of the Family and Medical Leave Act (FMLA) provided by the United States Department of Labor.*

### **Military Service Leave**

The board recognizes employees may be called to participate in the armed forces, including the National Guard. If an employee is called 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. **(IASB Policy Reference Manual-409.7)**

### **Political Leave**

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

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. **(IASB Policy Reference Manual-409.5)**

## **SAFETY AND SECURITY**

### **Asbestos Notification**

Asbestos has been an issue of concern for many years. The Asbestos Hazard Emergency Response Act of 1986 (AHERA) was designed to determine the extent of asbestos concerns in the schools and to act as a guide in formulating asbestos management policies for the schools. The school district facilities have been inspected by a certified asbestos inspector as required by AHERA. The inspector located, sampled and determined the condition and hazard potential of all material in the school facilities suspected of containing asbestos. The inspection and laboratory analysis records form the basis of the asbestos management plan.

A certified management planner has developed an asbestos management plan for the school district facilities which includes: notification letters, training for employees, a set of procedures designed to minimize the disturbance of asbestos-containing materials, and plans for regular surveillance of the materials. A copy of the management plan is available for inspection in the office.

### **Building Security**

The Van Meter Community School District is committed to maintaining a safe and secure learning environment for students and staff. In order to accomplish this, it is the responsibility of all employees to do their part in creating this safe and secure environment. Employees should contact Pat Bond, Building and Grounds, and Deron Durflinger, Superintendent, to report any security/safety hazard(s) or condition(s) they identify.

Contact your direct supervisor for questions with building security.

### **Corporal Punishment, Restraint, and Detaining Students**

State law forbids school employees from using corporal punishment against any student. Certain actions by school employees are not considered corporal punishment. School employees may use “reasonable and necessary force, not designed or intended to cause pain” to do certain things, such as prevent harm to persons or property.

State law also places limits on school employees’ abilities to restrain or confine and detain any student. The law limits why, how, where, and for how long a school employee may restrain or confine and detain a student. If a student is restrained or confined and detained, the school must maintain documentation and must provide certain types of notice to the child’s parent. For additional information regarding Iowa law on this issue, please visit the “Timeout, Seclusion, and Restraint” section of the Iowa Department of Education’s website, located at <https://www.educateiowa.gov/pk-12/learner-supports/timeout-seclusion-restraint>.

## Drills and Evacuations

Periodically the school holds emergency fire, tornado, and other emergency drills. At the beginning of each semester, teachers must notify students of the procedures to follow in the event of a drill. Emergency procedures and proper exit areas must be posted in all rooms.

## Emergency Closings/Inclement Weather/Other Interruptions

When the superintendent decides the weather threatens the safety of students and employees, he/she will utilize the school's messenger notification system to broadcast a school-closing announcement. All notifications will be made through Infinite Campus.

## Threats of Violence

All threats of violence, whether oral, written, or symbolic, against students, employees, visitors, or to school facilities are prohibited. All such threats will be promptly investigated. Law enforcement may be contacted. Threats issued and delivered away from school or school activities may be grounds for disciplinary action if the threat impacts the orderly and efficient operation of the school. Employees engaging in threatening behavior will face disciplinary consequences up to and including termination.

## Visitors/Guests

The board welcomes the interest of parents and other members of the Van Meter Community School District and invites them to visit the school buildings and sites. Visitors, which include persons other than employees or students, must notify the principal of their presence in the facility upon arrival.

Individuals who wish to visit a classroom while school is in session are asked to notify the principal and obtain approval from the principal prior to the visit so appropriate arrangements can be made and so class disruption can be minimized.

Visitors will conduct themselves in a manner fitting to their age level and maturity and with mutual respect and consideration for the rights of others while attending school events. Visitors failing to conduct themselves accordingly may be asked to leave the premises. Children who wish to visit school must be accompanied by a parent or responsible adult.

It is the responsibility of employees to report inappropriate conduct. It is the responsibility of the superintendent and principals to take the action necessary to cease the inappropriate conduct. If the superintendent or principals are not available, a school district employee will act to cease the inappropriate conduct. **(IASB Policy Reference Manual-903.3)**

## Weapons

The Van Meter Community School District is committed to maintaining a safe and secure learning environment for students and staff. The board believes weapons, other dangerous

objects and look-alikes in school district facilities cause material and substantial disruption to the school environment or present a threat to the health and safety of students, employees and visitors on the school district premises or property within the jurisdiction of the school district.

School district facilities are not an appropriate place for weapons, dangerous objects and look-alikes. Weapons and other dangerous objects and look-alikes will be taken from students and others who bring them onto the school district property or onto property within the jurisdiction of the school district or from students who are within the control of the school district. Employees who witness or have knowledge about the presence of potential weapons on school property should notify the proper authorities immediately.

The prohibition on weapons does not pertain to those under the control of law enforcement officials. **(IASB Policy Reference Manual-502.6)**

## **HEALTH AND SAFETY MATTERS**

New teachers must have a physical form returned to the central office. The method for such examination is as follows: The Employee must have a statement from a licensed physician of the Employee's choice attesting to the Employee's fitness to perform assigned duties. The Employer may require a subsequent examination, for which the Employer would pay and select the licensed physician, when in the Employer's judgment such an examination is relevant to an Employee's performance or status. The Employer shall endeavor to provide and maintain a safe place of employment. It is recognized that each Employee has a primary responsibility for his/her own safety and an obligation to know and observe safety rules and practices as a measure of protection from himself/herself and other. Employees should be alert to unsafe practices, equipment or conditions, and report any unsafe practices, equipment or conditions to their building principal.

Assaults on a teacher or injury to a teacher shall be reported immediately to the principal. A teacher may use such force as is reasonable and necessary to protect himself/herself from attack or to prevent injury to another student. Immediately upon the use of such force, the teacher shall make a report to his/her building principal.

## TERMINATION OF EMPLOYMENT

### Discharge of Teacher

1. A teacher may be discharged at any time during the contract year for just cause. The superintendent or the superintendent's designee, shall notify the teacher immediately that the superintendent will recommend in writing to the board at a regular or special meeting of the board held not more than fifteen days after notification has been given to the teacher that the teacher's continuing contract be terminated effective immediately following a decision of the board. The procedure for dismissal shall be as provided in section 279.15, subsection 2, and sections 279.16 through 279.19. The superintendent may suspend a teacher under this section pending hearing and determination by the board.
2. For purposes of this section, "just cause" includes but is not limited to a violation of the code of professional conduct and ethics of the board of educational examiners if the board has taken disciplinary action against a teacher, during the six months following issuance by the board of a final written decision and finding of fact after a disciplinary proceeding.

### Teacher Termination Process

#### Contract Release – Licensed Employees

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. **(IASB Policy Reference Manual-407.2)**

#### Resignation – Licensed Employee at Year End

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. **(IASB Policy Reference Manual-407.1)**

## **Resignation – Classified Employees**

Classified employees who wish to resign mid-year or mid-assignment, must give the school district at least two weeks notice. Those resigning at year end or at the end of an assignment must give notice by June 1<sup>st</sup>.

## **Reduction in Force**

The board has the exclusive authority to determine the appropriate number of employees. A reduction of 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.

It is the responsibility of the superintendent to make a recommendation for termination to the board. The superintendent shall consider the following criteria in making the recommendations:

- 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.

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

**(IASB Policy Reference Manual-407.5)**

## **Retirement**

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

Application for retirement will be considered made when the employee states in writing to the superintendent, no later than the date set by the board for the return of the employee's contract to the board, the intent of the employee to retire. The letter must state the employee's desire to retire and be witnessed by another party other than the principal or the superintendent.

Applications made after the date set by the board for the return of the employee's contract to the board may be considered by the board if special circumstances exist. It is within the discretion of the board to determine whether special circumstances exist.

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

## Appendix

### Acknowledgement of Receipt

I acknowledge that I have received or can access a copy of the Van Meter Community School District's Employee Handbook available at [www.vmbulldogs.com](http://www.vmbulldogs.com). I understand the Employee Handbook contains important information about the Van Meter Community School District and my role, responsibilities, and duties as an employee. I acknowledge I am expected to be familiar with the contents. I also understand that I should consult my direct supervisor with any questions I have about the contents of the Employee Handbook or any questions that I feel were not addressed.

I understand that the Employee Handbook is a general source of information and may not include every possible situation that may arise. I acknowledge that the Employee Handbook is not intended, and does not constitute a contract between the Van Meter Community School District and any one or all of its employees.

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Employee's Signature

Date

---

Employee's Name (Printed)

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE – COPY PROVIDED TO  
EMPLOYEE**

# Family and Medical Leave Summary

## EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

### Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) 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\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".

### Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

\*Special hours of service eligibility requirements apply to airline flight crew employees.

### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.**



For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)

U.S. Department of Labor | Wage and Hour Division



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