

Series 400 Procedures

Code 401

Title: Employee Representation

The board recognizes the rights of employees to be represented on matters as prescribed by Section 20 of the Code of Iowa. Consequent personnel practices and procedures established through the process of negotiation and ratified by the Board of Directors will be contained in appropriate Comprehensive Agreements and are included in this document by reference.

Revised January 19, 1993

Code 402

Title: Non-Discrimination, Affirmative Action and Equal Employment Opportunity

The Des Moines Public Schools prohibit discrimination in employment programs and activities based on age, race, creed, color, sex, marital status, national origin, religion, sexual orientation, gender identity or disability. In addition, the district prohibits acts of intolerance or harassment toward employees that are not related to the individual's employment.

For purposes of these procedures, the term "sexual orientation" shall have the same meaning as found in *Romer v. Evans* (United States Supreme Court, 1996) - "homosexuality, bisexuality, lesbianism, and heterosexuality.

Complaint Procedure

This complaint procedure has been developed to handle complaints of discrimination, harassment, or sexual harassment. Employees, applicants for employment, parents, students, and volunteers can file a complaint. Briefly, the complaint procedure includes the following steps:

1. Complainants may talk to their building principal or immediate supervisor to try to resolve the problem informally. If the complaint is based upon the conduct of the Complainant's principal or immediate supervisor, the Complainant may contact that person's immediate supervisor. Complaints should be reported as soon as possible after the event giving rise to the complaint.
2. If the Complainant prefers to proceed with a formal complaint, or if the matter has not been informally resolved, he or she may file a complaint with the District Compliance Officer or the Human Resources Investigations Specialist based on the allegation. Formal complaints should be filed by the Complainant within 180 days after the event giving rise to the complaint or it is determined the complaint cannot be informally resolved.
3. Within 10 working days, the appropriate investigator will begin the investigation. An investigation will include taking a written statement from the Complainant, the Respondent(s) named in the complaint, and those witnesses who have been identified who have relevant information pertaining to the complaint. Relevant documentation will also be collected and considered. During the investigation, a Respondent may elect to have a union representative, friend, counsel or any other individual present during interviews and subsequent meetings.

4. Within 30 working days, the investigator shall complete the investigation and issue a written report making findings with respect to the individual allegations set out in the complaint and rendering an ultimate finding as to whether the greater weight of the evidence, based on the entire record, indicates the District's policies have been violated. Under some circumstances, when many individuals are involved in the investigation or an extensive legal review must be done, the investigator will inform the Complainant of the expected date of completion beyond the 30 working days.

5. The District prohibits retaliation against an individual for filing a complaint. Any individual intentionally providing false information in a complaint investigation may be subject to disciplinary action.

In the event the investigator finds:

A. No violation of District policy, the findings will be shared by the investigator with the Complainant and the Respondent.

B. A violation of the District's policies or no violation of the District's policies but other inappropriate behavior on the part of the Respondent, the findings will be reviewed:

1. By the investigator with the Complainant and the Respondent; and

2. By the investigator and Respondent's principal or the immediate supervisor, the director responsible for Respondent, and a representative of Human Resources Management. The Human Resources representative will inform the Respondent of any decision regarding disciplinary action.

3. If disciplinary action is warranted, documentation of the disciplinary action will be placed in the employee's file or the student's file. All other information regarding the case will be kept in confidential files. Any disciplinary consequences will be kept confidential.

4. The District has no jurisdiction to take disciplinary action over parents and volunteers. However, steps will be taken to ensure individuals do not continue to violate nondiscrimination policies on district property, school-related activities.

The complaint will be closed after the investigator has provided the information to the Complainant and the Respondent unless, within ten days of receipt of the final investigative report, either side files a written appeal to the superintendent setting out the reason(s) why they believe the decision should not stand.

In the event of an appeal, the Superintendent/designee shall review the written record and may meet with the appealing party. The Superintendent/designee may affirm, reverse, modify or remand the matter for further proceedings and shall, within twenty (20) days of the written appeal, confirm this decision in writing to the appealing party.

Except in the event of a termination of a certified employee, the Superintendent's/designee's decision shall be final.

A parent or guardian who disagrees with the school district's decision regarding a student's identification, evaluation or educational placement of program accommodations under Section 504 of the Rehabilitation Act of 1973 has a right to an impartial, third party hearing. They may contact [Shelly Bosovich](#), Executive Director, Student and Family Services, 2100 Fleur Drive, 515-242-7714, shelly.bosovich@dmschools.org.

The District encourages individuals to use the internal complaint procedure. However the Complainant may seek legal advice of his or her choosing or file a formal complaint with the Des Moines Human Rights Commission, Iowa Civil Rights Commission, the Equal Employment Opportunity Commission, or other agencies. If the Complainant seeks other avenues of redress, the District may choose not to conduct its internal complaint procedures.

Board Policies: Code 402, 402.1, 406, and 407; Code 601

Approved January 19, 1993; revised August 6, 1996; revised July 25, 2006; August 2007

Code 402.1

Title: Recruitment and Selection

a. Recruitment

Applications for employment will be accepted at all times regardless of the availability of positions. Applications will be kept in an active file in the Department of Human Resources Management for a period of one year. Applications for employment will be destroyed at the end of two years unless the applicant renews his/her request for employment.

When necessary, the Executive Director of Human Resources Management will actively solicit applications for employment for specific and specified positions.

b. Equal Opportunity

Applications for employment will be considered exclusively by their qualifications, without regard to race, creed, color, sex, national origin, age, marital status, religion, sexual orientation, or disability. The Affirmative Action Plan as adopted by the Board of Directors in 1990 shall serve as the basis for implementing the equal opportunity policies of the district.

c. Summer School Teachers

Applications for summer school employment may be made by any teacher. Such applications should be filed in the Department of Middle and High School Programs when appropriate. Selection will be determined in accordance with the needs of the summer school program(s) and the Affirmative Action Plan.

d. Adult Education Teachers

Candidates for positions in the Department of Community, Adult and Continuing Education should submit applications to that department. Selection of teachers is made by that department and does not require approval by the Board of Directors.

e. Selection

The laws of Iowa place the responsibility for the operation of the district with the Board of Directors, which appoints a Superintendent of Schools, whose duty under the law is to act as executive officer of the board. The superintendent, in general, delegates responsibility to the Executive Director of Human Resources Management for submitting written recommendations for appointment of all contract employees. Employment recommendations of the Executive Director of Human Resources Management are considered by the superintendent and may be submitted by him/her to the Board of Directors, in which resides the final authority for approval of recommendations for appointment of all contract certified employees.

The superintendent or the Executive Director of Human Resources Management shall approve the appointment of all other non-certified personnel, with the exception of non-certified administrative personnel, who will be recommended for appointment to the Board of Directors for final approval

f. Administrative Selection

The intent of the Des Moines Public Schools is to hire the most qualified applicants available for all administrative positions.

1. Advertising Procedure

All certified administrative vacancies will be advertised in the Bulletin Extra and the placement offices of Drake University, University of Northern Iowa, University of Iowa, University of Minnesota, University of Wisconsin, University of Michigan, Michigan State, University of Illinois, Northwestern University, Ohio State, Purdue, University of Indiana, Iowa State, Oklahoma, Oklahoma State, Nebraska, Missouri, Kansas, Kansas State and Colorado.

All non-certified administrative positions will be advertised in the Bulletin Extra.

To further enhance our minority recruiting efforts, all administrative vacancies will be provided to the American Association of Black Colleges and Universities, the local chapter of NAACP, LULAC and other minority organizations.

A notice of the vacancy may be placed in the Des Moines Register or other regional newspaper or appropriate publications at the option of the Executive Director Human Resources Management.

2. Recommended Advertising Strategies

1. Each job advertisement will include the minimum job requirements.
2. An advertising company will be utilized as determined by the Executive Director of Human Resources Management.
3. All notices and advertisements other than the Bulletin Extra will include the district logo.
4. Advertisements outside of Iowa should contain information regarding the Des Moines Public Schools and the City of Des Moines.
5. All those inquiring will be provided information about the job role, the schools and the community.
6. Expenses will be paid for at least the top two out-of-district candidates for all administrative positions at or above principal level.

3. Applicant Screening Procedure

The following information/criteria will be utilized in screening applicants for the interview process. The current job description will be the measure to set job standards and personal attributes necessary to fulfill the job role.

1. Current credentials analysis, if appropriate
2. Transcript analysis, if appropriate
3. Required licenses, if appropriate
4. Affirmative action/equal employment opportunity consideration
5. Teaching/administrative experience in a multicultural/multi-ethnic setting
6. In-district experience: i.e., length of service, positions held, knowledge of programs and operations

7. Participation in leadership seminars and professional workshops
8. Education and related training
9. Civic, community, professional activities
10. Relevant experiences/background
11. Previous performance evaluations (previous 5 years)
12. Correctness, conciseness and clarity of resume and other application materials

4. Screening Team

1. A representative of the Department of Human Resources Management
2. The immediate supervisor of the advertised position
3. An administrator fulfilling a similar position
4. An administrator in a non-related administrative role

5. Interview Team

1. A representative of the Department of Human Resources Management
2. Affirmative action officer
3. Division head and/or immediate supervisor of position
4. Two administrators in similar positions
5. One administrator in a different administrative capacity

6. Interview Process

1. Oral presentation by candidate to interview team on selected educational issue or position-related topic.
2. Written analysis of current educational issue or position-related topic completed at the time of the interview
3. Structured interview by team
4. Individual interview with immediate supervisor

5. Review of screening process information
6. Fifteen minute presentation on Des Moines and district (optional)
7. Incorporate school and city tour (may be done by Realtors or business alliance personnel)

7. Selection Process

1. All interviewed candidates will be rank ordered
2. AA/EEO goals will be considered by immediate supervisor, AA officer, and Executive Director of Human Resources Management
3. Top two candidates will be recommended to Chief Operating Officer.
4. Chief Operating Officer will make recommendation of appointment to the Superintendent of Schools
5. Superintendent will recommend appointment to Board of Directors or return recommendation to associate superintendent for additional information, rejection of recommendation, or consultation.

Revised: January 19, 1993; October 2002

Code 403

Title: Certification and Licensing

a. Certification

Every person employed as an administrator, supervisor, or teacher shall hold a certificate valid for the type of position in which he/she is employed.

All inquiries regarding certificates should be addressed to the Practitioner Licensure Division, Department of Education, Grimes State Office Building, Des Moines, Iowa 50319. The Department of Education is the only agency that has the authority to grant certification for teaching in Iowa.

b. Qualifications

Eligibility for all certified positions is dependent upon acquisition of the necessary endorsement/approval from the Certification Division of the Iowa Department of Education, in accordance with Chapter 73 of the Code of Iowa.

c. Classified Personnel

Employees shall be proficient in the performance of the duties to which they are assigned and shall hold such certificates or other credentials as may be required by city ordinance or state law.

Revised January 19, 1993

Code 405

Title: Physical

a. Employment Examination

Newly-employed personnel are required to file a medical examination report with the Director of Health Services before reporting for work in the district. The new employee must pay the cost of this examination, which is given by a physician of his/her choice and reported on the form provided by the district.

b. Periodic Examinations

All school employees (except bus drivers) must have a physical examination and proof of tuberculosis status every three years. Bus drivers will be examined annually, or at any time by the request of the superintendent.

Revised January 19, 1993

Code 406

Title: Hostile Work Environment

Whenever school district officials are notified of a complaint or concern that a school employee or other person serving the district has engaged in behavior which, if proven true, would constitute a violation of Board Policy , Code 406, it becomes the responsibility of that individual's immediate supervisor or the Department of Human Resources Management to investigate the behavior. An exception occurs when the alleged violation becomes part of a disciplinary investigation being conducted by the Department of Human Resources Management.

The investigator shall interview all involved parties and appropriate witnesses to gather relevant information. Such information shall, at a minimum, contain a review of each person's perception of the encounter including:

- a. an account of the factors that led to the incident;

- b. a description of the nature of the alleged misconduct;
- c. a description of the physical environment in which the incident took place;
- d. the perceived motivation for the alleged behavior;
- e. the extent of the emotional or psychological injury alleged to have occurred as a result of the alleged behavior or action; and
- f. perceptions regarding how the incident might have been avoided.

The interviewer will present all investigatory information to the Department of Human Resources Management where a final determination of policy violation will be made. If Board Policy , Code 406, has been violated, the superintendent or a designee will determine the necessary disciplinary action to be taken up to and including discharge from employment or service.

Approved January 7, 1992

Code 407

Title: Sexual Harassment

II. DEFINITIONS

A. Sexual harassment means unwelcome behavior or conduct (physical, verbal, written, electronic) that is directed at someone because of that person's sex or gender, and that meets any of the following definitions:

1. **“Quid Pro Quo” Harassment.** A District employee explicitly or implicitly conditions the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct; OR

2. **Hostile Educational/Work Environment.** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; **OR**

3. **Sexual assault.** An offense that meets the definition any one of the following offenses:

- Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent of the victim;
- Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim;
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or

- Statutory rape: sexual intercourse with a person who is under the statutory age of consent;
OR

4. **Stalking:**

- Purposefully engaging in a course of conduct directed at a specific person ("target") that would cause a reasonable person to fear bodily injury to, or the death of, the target or a member of the target's immediate family;
- when the person ("stalker") knows or should know that the target will be placed in reasonable fear of bodily injury to, or the death of, the target or a member of the target's immediate family by the course of conduct; and
- the stalker's course of conduct induces fear in the target of bodily injury to, or the death of, the target or a member of the target's immediate family; **OR**

5. **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship; **OR**

6. **Domestic Violence:** any felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Iowa; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Iowa.

B. Consent means knowing and voluntary agreement to engage in conduct or an activity with another individual. Silence or an absence of resistance does not imply consent. Past consent to engage in conduct or an activity does not imply future consent; consent can be revoked at any time. An individual who is incapacitated (e.g., when a person is asleep, unconsciousness, under the influence of drugs or alcohol, or disability) cannot give consent. Coercion, force, or the threat of either invalidates consent. Under no circumstances can a student give consent to engage in any sexual conduct or activity with an employee of the District.

C. Complainant means any person who alleges that they have been subjected to sexual harassment as defined by this Policy. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education program or activity.

D. Respondent means any person who has been reported to be the perpetrator of conduct that could constitute sexual harassment under this Policy, and over whom the District is able to exercise substantial control.

VI. PROCESS FOR RESPONDING TO REPORTS OF SEXUAL HARASSMENT

A. Initial Meeting with the Complainant

Upon receipt of any report of sexual harassment occurring in the District's educational program or activity, the Title IX Coordinator or designee will schedule a meeting with the Complainant in order to provide the Complainant a general understanding of this Policy and to identify forms of supportive measures available to the Complainant with or without the filing of a formal complaint, and to explain the process for filing a formal complaint. The intake meeting may also involve a discussion of any specific supportive measures that may be appropriate.

At the initial intake meeting with the Complainant, the Title IX Coordinator or designee will seek to determine how the Complainant wishes to proceed. The Complainant may opt for: (1) informal resolution; (2) formal resolution; or (3) not proceeding. Supportive measures may still be offered whether or not the Complainant chooses any of these options.

If the Complainant wishes to proceed with either informal or formal resolution, a written document must be filed by the Complainant or signed by the Title IX coordinator alleging harassment against a respondent (the "formal complaint"). Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not the complainant or otherwise a party to a complaint proceeding under this Policy.

B. Informal Resolution

Upon filing of a formal complaint, a Complainant who does not wish to pursue formal resolution may request a less formal proceeding, known as "Informal Resolution." Informal resolution is available to the parties any time prior to a determination of responsibility being issued.

Informal resolution is a voluntary process that requires the written consent of the Complainant and Respondent. The District will not require the parties to participate in the Informal Resolution process as a condition of enrollment, employment, or of any other right conferred by the District. The Title IX Coordinator will assess the severity of the alleged harassment and the potential risk for others in the District community to determine whether informal resolution may be appropriate. Informal Resolution will never be used to resolve allegations involving an employee sexually harassing a student.

The Title IX Coordinator will provide the parties with a written notice setting forth the allegations, the requirements of the informal resolution process set forth in this Policy, the right of any party to withdraw from the informal process and proceed with the formal grievance process at any time prior to agreeing to a resolution; and any consequences resulting from the participation in the informal process, including the records that will be maintained or could be shared by the District.

Upon receipt of written consent from the parties to participate in informal resolution, the Title IX Coordinator will consult separately with the Complainant and Respondent and gather additional relevant information as necessary. The Title IX Coordinator may also put in place any appropriate supportive measures to protect the educational and work environment of the parties.

The Title IX Coordinator will work with parties to determine a mutually acceptable resolution to the complaint. This resolution will be reduced to writing and signed by the Complainant and the Respondent. Once signed, the written resolution becomes final and neither party can initiate the formal grievance process for the allegations in the formal complaint. The written resolution is not subject to appeal.

Either party may, at any time prior to signing an informal resolution agreement, elect to end the informal resolution process and initiate formal resolution instead.

In order to promote honest, direct, communication, information disclosed during informal resolution will remain confidential, except where disclosure may be required by law or authorized in connection with duties on behalf of the District.

C. Formal Resolution

Upon submission of a formal complaint, Complainant may elect to pursue a formal resolution, which is described more specifically in this section.

1. Consolidation of Complaints

The District may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations arise out of the same facts or circumstances.

2. Required Notices

Notice of Investigation. If a Complainant elects to pursue a formal complaint, the Title IX Coordinator or designee will provide a written Notice of Investigation simultaneously to both parties notifying the parties of:

- the identities of the parties involved in the incident;
- the conduct alleged;
- the date and location of the incident;
- Respondent's entitlement to a presumption of innocence;
- The parties' rights to have an advisor of their choice at the party's expense, who may be an attorney;
- The parties' rights to review and comment on investigative evidence; and
- The effect of making materially false statements in bad faith during this process.

If, during the course of investigation, the District determines that additional allegations will be investigated as part of the pending complaint, the Title IX Coordinator or designee will provide written notice of the additional allegations to any identified Complainant(s) or Respondent(s).

Notice of Interviews, Hearings, or Other Meetings. The Title IX Coordinator shall provide to Complainant and Respondent a written notice of the date, time, location, participants, and purpose of any interview, hearing, or meeting with sufficient time for the party to prepare.

3. Dismissal

The District shall dismiss any formal complaint made under this Policy if at any time it determines that it lacks jurisdiction under Title IX because the conduct alleged in the formal complaint:

- Would not constitute sexual harassment as defined in Section II of this policy, even if proved,
- Did not occur in the District's education program or activity; or
- Did not occur against a person in the United States.

The District, in its sole discretion, may dismiss any formal complaint under this Policy if at any time:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- The Respondent is no longer enrolled in or employed by the District; or
- Specific circumstances exist that prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations. Examples include, but are not limited to, a significant passage of time from the date of the allegation(s) in the complaint to the date the complaint is filed that makes investigation impracticable, or where the Complainant has stopped participating in the process.

Dismissal of a complaint from proceeding under this Policy does not preclude the District from offering supportive measures to any party or from proceeding under any other applicable policy, procedure, rule, or handbook provision applicable to students and/or employees of the District.

Upon dismissal of any formal complaint under this section, written notice of this dismissal and the reason(s) therefor will be provided simultaneously to Complainant and Respondent.

4. Investigation

The Title IX Coordinator shall designate an Investigator to conduct an investigation into any formal complaint. The Investigator must be appropriately trained in conducting Title IX investigations, unbiased, and have no conflict of interest in the present case. The Investigator serves as a neutral fact-finder, and shall interview both parties, relevant witnesses, and gather and review evidence relevant to the outcome of the complaint.

The burden of proof and the burden of gathering sufficient evidence to reach a determination of responsibility rests with the District and not with the parties. Both parties will have an equal opportunity to present witnesses and other evidence (both inculpatory and exculpatory) to the Investigator. Neither party will be restricted in their ability to discuss the allegations or to gather and present relevant evidence; provided, however, that such communications shall not constitute harassment or retaliation against any party otherwise violate applicable law, rule, or regulation.

The Investigator will evaluate all relevant evidence, both inculpatory and exculpatory, and will not make credibility determinations based solely on a person's status as complainant, respondent or witness.

The Investigator will only access, consider, disclose, or otherwise use a party's treatment records made or maintained by a health care provider, or other records protected under a legally recognized privilege, with that party's voluntary, written consent.

Prior to completion of the Investigative Report, the Investigator will provide each party with copies of any evidence obtained by the Investigator that is directly related to the allegations in the complaint. Both parties will have ten (10) calendar days to submit a written response to the evidence to the Investigator. By accepting receipt of this information, the parties and their representatives, if any, agree that the use or dissemination of evidence for any purpose other than those directly related to the parties' participation in the Title IX grievance process is prohibited and may result in appropriate discipline in accordance with District policy.

5. Investigative Report

After conducting the investigation, the Investigator will complete an investigative report that summarizes all relevant evidence, including statements and interviews with the parties and any witnesses, and any documents, records, photographs, recordings, or other evidence obtained by the investigator.

The investigative report will be distributed simultaneously to both of the parties at least ten (10) calendar days prior to a Determination of Responsibility being made.

6. Determination of Responsibility

The Decision-Maker is responsible for determining whether the conduct alleged in the complaint constitutes a violation of this Policy and any other applicable District policies, procedures, handbook provisions, or rules. The Decision-Maker shall be comprised of a multi-member panel. The Decision-Maker shall not be the Title IX Coordinator or Investigator, and must be impartial and unbiased, have no conflict of interest in the particular case, and have training required by Title IX and this policy.

After receipt of the investigative report and prior to reaching a decision, each party shall be permitted submit to the Decision-Maker relevant questions to be asked of the other party and/or any witnesses, including those challenging the credibility of the party or witness. The Decision-Maker shall review the questions with the party or witness to whom the questions are directed,

but shall not ask any questions that are irrelevant or improperly inquire about the Complainant's sexual predisposition or past sexual conduct (other than where the incidents occurred between the Complainant and Respondent and are asked for purposes of demonstrating consent, where applicable). The Decision-Maker will provide a written explanation to the party of why any question was excluded. The Decision-Maker shall provide the responses of the party or witness in writing to both parties. The parties shall be provided with an opportunity for limited additional follow-up questioning.

If any party or witness does not cooperate with responding to these questions, the Decision-Maker will not rely on any statement of that party or witness in reaching a determination of responsibility. The Decision-maker cannot draw an inference about responsibility based solely on a party's or witness's refusal to answer questions.

7. Standard of Proof and Determination

The determination of whether or not a violation of this Policy occurred will be made on the preponderance of the evidence, or whether it is more likely than not that the Respondent violated this Policy.

8. Sanction

Sanctions and remedies will be determined on a case-by-case basis by the Decision-Maker, where authorized to do so. Where applicable federal or state law, Board policy, contract, handbook provision, or other rule gives authority for issuing of a particular sanction to a different District decision-making body (e.g., school board, IEP team) the Decision-Maker will recommend sanctions to that decision-making body or official, or the Board for further action.

Sanctions may include, but are not limited to required training, a written warning, suspension or expulsion of a student, or suspension or termination of an employee's employment with the District. The Decision-Maker may impose or recommend any sanction that it finds to be fair and proportionate to the violation and in accordance with Board Policy.

Remedies may include, but are not limited to, offers of counseling, training, changes or modifications to class or work schedules or assignments, provision of additional supervision, and other actions as deemed appropriate under the circumstances present in the case. The Title IX Coordinator shall be responsible for implementing any proposed remedies.

9. Written Determination Regarding Responsibility

The Decision-Maker will issue a written determination regarding responsibility, which shall be determined by a preponderance of the evidence. The written determination will include:

- Identification of the allegations;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including notifications to the parties, interviews, site visits, methods used to gather other evidence, and hearings held (if applicable);

- Findings of fact;
- Conclusions regarding the application of this Policy and any other relevant District policy, procedure, handbook provision, or rule to the facts;
- A statement of and rationale for the Decision-Maker(s) determination regarding responsibility for each allegation;
- A statement of and rationale for any disciplinary sanctions that will be imposed on Respondent, if applicable;
- A statement of and rationale for any remedies the District will provide to restore or preserve Complainant's access to the District's educational program or activity, if applicable; and
- A statement of the District's appeal policy and procedures.

The Decision-Maker will provide the written determination to the parties simultaneously. The written determination shall be final, subject to the parties' right to appeal in Section 10, below.

10. Appeals

Within five (5) calendar days of delivery of the written determination to them, either party may appeal the dismissal of a formal complaint, or the Decision-Maker's written determination and/or any sanction imposed by the Decision-Maker to the Chief of Human Resources, or her/his designee. Such appeals will be in writing and will be delivered to the Chief of Human Resources, or her/his designee. The Chief of Human Resources, or her/his designee, will determine if the written determination will be stayed pending the outcome of the appellate decision. Appeals will be limited to any of the following bases:

- A procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the written determination was issued that could affect the outcome of the matter; or
- The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias that affected the outcome of the matter.

The Chief of Human Resources, or her/his designee, will notify both parties in writing if an appeal is received alleging one of the bases for appeal above. Both parties will be given an opportunity to submit a written statement in support of, or challenging, the written determination. The parties' written statements must be submitted within five (5) calendar days of notice of the appeal.

Except as required to explain the basis of new information, an appeal will be limited to a review of the written record of the investigation, the written determination, and the parties' written statements on appeal.

The Chief of Human Resources, or her/his designee, may affirm, reverse, or modify the written determination and/or sanctions imposed, or may remand to the Investigator or Decision-Maker for further action. A written appeal decision will be issued simultaneously to the parties describing the result of the appeal and the rationale therefor. The written appeal decision of the

Chief of Human Resources, or her/his designee is the final decision of the District, and no further appeals are permitted under this Policy.

C. Complainant Does Not Wish to Pursue Resolution or Requests Confidentiality

If the Complainant does not wish to pursue formal or informal resolution and/or requests that his or her report remain confidential, the Title IX Coordinator or designee will inform the Complainant that the District's ability to respond to the alleged sexual harassment may be limited. The Title IX Coordinator or designee may weigh the Complainant's request against the following factors:

- The seriousness of the alleged sexual misconduct,
- Whether there have been other complainants of sexual misconduct against the same Respondent, and
- The Respondent's right to receive information about the allegations, including the name of the complainant.

The Title IX Coordinator will only initiate a formal complaint under these procedures against the wishes of the Complainant where required by federal or state law, regulation, or rule, or where doing so is not clearly unreasonable based on known circumstances, based on the potential impact to the District community if the allegations were true.

The Title IX Coordinator or designee will inform the Complainant if the District cannot ensure confidentiality. Even if the District cannot take disciplinary action against the Respondent because the Complainant insists on confidentiality or that the complaint not be resolved, the District reserves the authority to implement supportive measures or other appropriate actions to promote a safe learning environment for the complainant and/or the entire District community.

D. Advisors

Complainants and Respondents have equivalent rights to be accompanied at any stage of the process by an advisor of their choice, who may be a parent or guardian, union representative (where applicable), other support person, or an attorney at the party's sole expense. Advisors may not answer questions on behalf of any party or otherwise participate in any interview or meeting, other than to confer with the party they are supporting/representing.

E. Supportive Measures

The District may implement supportive measures to preserve or restore the Complainant's access to the District's education program or activity. Supportive measures will be individualized, provided at no cost to the parties, and are non-disciplinary in nature.

Supportive measures may include, but are not limited to:

- Counseling,
- Extension of deadlines or other course-related adjustments,

- Modifications of work or class schedules,
- Mutual restrictions on contact between the parties,
- Leaves of absence,
- Increased security and monitoring,
- Increased supervision and/or escort services, and/or
- Other similar measures.

The District may temporarily remove a student accused of violation this policy on an emergency basis, following an individualized safety and risk analysis that finds an immediate threat to the physical safety of any individual. Any student so removed will be provided with notice and an opportunity to challenge this action immediately following the removal, and any other rights conferred by law. Emergency removals must be consistent with other applicable laws. The District, in its sole discretion, may place an employee accused of violating this policy on administrative leave pending the outcome of the informal or formal complaint process.

For a full copy of the Des Moines Public Schools Title IX procedures manual please send a request to the Title IX Coordinator Carol Wynn-Green at carol.wynngreen@dmschools.org.

Revised July 25, 2006; August 2007; October 2020

Code 409

Title: Probationary Period

Probationary periods shall be established according to current Comprehensive Agreements or appropriate personnel practices and procedures handbooks and are included in this document by reference.

Code 410

Title: Job Specifications

The Department of Human Resources Management, in cooperation with affected district administrators, shall periodically update job specifications, in accordance with the requirements of the Americans with Disabilities Act.

Revised January 19, 1993

Code 412

Title: Assignment and Transfer

- Assignments

Changes in administrative assignments which involve promotion, salary change, or change of title will be presented to the Board of Directors for approval. Administrative transfers which do not involve the foregoing will be presented to the Board of Directors for their information before such assignment changes take place.

Recommendations for appointments, leaves of absence, resignations, and retirements for all certified and classified administrative employees will be presented to the Board of Directors for approval.

Assignments of personnel are made by the Executive Director of Human Resources Management upon the recommendation of the various heads of departments.

b. Transfers

Concerted efforts will be made by the Executive Director of Human Resources Management to involve affected administrators in all transfers and reassignments which will directly impact on the delivery of educational programs. Transfer practices and procedures may be established through the process of negotiation and subsequent ratification by the Board of Directors. In that event, those procedures will be contained in appropriate Comprehensive Agreements and will be included in this document by reference.

Revised January 19, 1993; October 2002

Code 413

Title: Staff Reduction and Realignment Policy for Non-Bargained Staff

Procedure

The Board shall first attempt to make staff reductions by attrition. Attrition is defined to mean a voluntary separation from employment, and attrition shall be deemed to have occurred only when the Board has received and acted upon a resignation prior to the date on which the Board makes a motion to terminate or consider terminating an employee's contract.

If the reduction in force cannot be fully accomplished by attrition and if the Board decides to lay employees off, employees in the affected job classification shall be laid off on the basis of the qualifications and performance of the employee and the needs of the School District as determined by the Superintendent, or his/her designee. The term "qualifications" shall mean certification, academic training, and the nature of the employee's experience. The phrase "performance of the employee" shall be determined by an assessment of the evaluation of the employee and by a review of any other evaluative data or disciplinary documents contained in the employee's personnel file.

A realignment of positions shall be made on the basis of the qualifications and performance of the employee and the needs of the School District as determined by the Superintendent, or

his/her designee. The term “qualifications” shall mean certification, academic training, and the nature of the employee’s experience. The phrase “performance of the employee” shall be determined by an assessment of the evaluation of the employee and by a review of any other evaluative data or disciplinary documents contained in the employee’s personnel file.

Displacement Rights

Laid off employees shall have no right to displace any other employee. Realigned employees shall have no right to displace any other employee.

Notice and Opportunity to be Heard

If an affected employee serves under a contract issued in accordance with Iowa Code Chapter 279, then the procedures for reduction in force shall be those procedures provided by statute.

For the staff reduction of all other employees and for the realignment of employees who serve under a contract issued in accordance with Iowa Code Chapter 279, the following procedure will apply:

Prior to making a final decision, the Superintendent, or his/her designee will provide notice to each employee who would be affected by a decision regarding a reduction in force or a realignment. Notice will be provided by ordinary U.S. Mail postmarked at least two (2) weeks prior to the date on which the Superintendent makes his/her final decision.

Prior to making a final decision, an employee who would be affected by a decision of the Superintendent regarding a reduction in force or realignment will be given an opportunity to be heard by the Superintendent, or his/her designee, and may present information and argument in both written and oral form

The Superintendent, or his/her designee, will provide notice to the affected employee(s) of his/her final decision at least two (2) weeks prior to the effective date of the decision.

Recall Procedure

All employees who are covered by this policy and who are on layoff status will be recalled before any new employee is hired in the affected job classification. A recall of positions shall be made on the basis of the qualifications and performance of the employee and the needs of the School District as determined by the Superintendent, or his/her designee. The term “qualifications” shall mean certification, academic training, and the nature of the employee’s experience. The phrase “performance of the employee” shall be determined by an assessment of the evaluation of the employee and by a review of any other evaluative data or disciplinary documents contained in the employee’s personnel file.

Employees will be entitled to be recalled only to a vacancy in the position in which they were employed at the time of the layoff, and each employee will only be entitled to be recalled one time. Laid off employees will have recall rights for six (6) months from the effective date of their layoff.

Laid-off employees shall keep the Superintendent advised of their current address. Notice of recall shall be given by certified mail to employee at their current address. If the employee fails to respond within fourteen (14) calendar days after the date of the mailing of the notice, the employee will be deemed to have refused the offer of recall. A recalled employee must agree to report to work within fourteen (14) calendar days after acceptance of recall or his/her recall rights shall terminate. Employees who are offered recall shall have only one opportunity to accept or reject a job offer by the District.

Benefits

Upon recall from layoff, an employee who is laid off is hired back, sick leave accumulation shall be restored to the employee at the same level as at the time of layoff. For purposes of calculating an employee's entitlement to sick leave and vacation benefits upon recall from layoff, the employee's length of service shall be established at the same level as at the time of layoff.

Adopted August 15, 2017

Code 414

Title: Evaluation

Evaluation practices and procedures may be established through the process of negotiation and subsequent ratification by the Board of Directors. In that event, those procedures will be contained in appropriate Comprehensive Agreements and will be included in this document by reference.

Return to 400 Series Index

Code 416

Title: Discipline

Supervisors of certified and classified employees shall issue verbal and written reprimands when deemed necessary. Copies of written reprimands shall be forwarded to the Department of Human Resources Management for the employee's personnel file. Recommendations for suspension and/or termination shall be forwarded to the Department of Human Resources Management by the appropriate supervisor for consideration, review, and/or action. Any communication to an employee concerning suspension and/or termination shall be sent from the Department of Human Resources Management.

Revised January 19, 1993

Code 416.1

Title: Alcohol and Substance Abuse

Referral for professional counseling and treatment for chronic alcoholism and/or substance abuse will be made if: (1) the abuse has affected the employee's job performance and/or (2) the

employee is under the influence during working hours. Intrusion upon the individual's privacy is not intended.

Refusal to accept referral for professional diagnosis or failure to cooperate in the treatment process will be grounds for disciplinary measures including possible termination of employment.

Use of alcoholic beverages or immoral conduct on the part of a bus driver shall automatically cancel his/her employment and re-employment for the balance of the year.

Revised January 19, 1993

Code 416.2

Title: Alcohol and Drug Testing Procedures

These procedures support the Alcohol and Drug Testing policy and are intended to establish and explain the requirements of the school district's alcohol and drug testing policy. Note the definitions section included with these procedures.

A. Questions regarding the policy, its supporting procedures or the alcohol and drug testing program may be directed to the school district contact person, the Supervisor of Health Services.

B. Covered Drivers

1. The following requirements apply for a driver to be covered by the alcohol and drug testing program:

a. Drives a vehicle transporting sixteen or more persons, including the driver, OR drives a vehicle weighing over twenty-six thousand pounds; and

b. Requires a commercial driver license to hold the driver position.

2. Covered drivers include:

a. Applicants seeking a position as a driver.

b. Full time, regularly employed drivers;

c. Casual, intermittent or occasional drivers;

d. Leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to a school district or who operate a school vehicle at the direction of or with the consent of a school district.

C. Prohibited Driver Conduct

1. Drivers shall not report to duty or remain on duty with a 0.04 or greater alcohol concentration.

2. Drivers shall not use alcohol at least eight hours prior to the performance of a safety sensitive function.

3. Drivers required to take a post-accident alcohol test shall not use alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.

4. Drivers shall not refuse to submit to an alcohol or drug test. A refusal to test is considered a positive test resulting in immediate administrative leave and shall be grounds for termination.

5. Drivers shall not report for duty or remain on duty when using any drug except when instructed by a physician who has advised the driver that the drug does not adversely affect the driver's ability to safely operate a school vehicle.

6. Drivers shall not report for duty or remain on duty performing a safety sensitive function if the driver has a positive drug test result.

D. Alcohol Testing Procedures

1. Employee is tested for alcohol.

2. Evidentiary breath testing devices (EBTs) or quantitative enzymes diagnosis saliva alcohol tests (QEDs) are used to conduct the initial and, if necessary, the confirmation alcohol tests.

a. The initial alcohol test determines whether the employee's alcohol concentration (AC) is less than 0.02.

1. An initial alcohol test result of less than 0.02 AC allows a driver to continue to drive.

2. An initial alcohol test result of 0.02 AC or greater requires a confirmation test.

b. The confirmation alcohol test determines whether an employee can continue to work.

1. A confirmation alcohol test result of less than 0.02 AC allows a driver to continue to drive or an employee to perform a safety sensitive function.

2.A confirmation alcohol test result of 0.02 AC but less than 0.04 AC requires the employee to cease performing a safety sensitivity function for 24 hours.

3.A confirmation alcohol test result of 0.04 AC or shall result in immediate administrative leave and pending results of test will result in termination of a driver from his or her position.

3. Alcohol testing is conducted at collection sites which provide privacy to the employee and contain the necessary equipment, personnel and materials.

a. Alcohol testing is conducted at a designated non-school district facility unless a mobile unit or a school district facility better serves the situation.

b. In the event privacy cannot be assured, privacy will be provided to the extent practical.

4.Initial alcohol testing steps

a. Once the employee is informed to submit to an alcohol test, he or she must proceed immediately to the collection site. Collection site personnel shall contact the Supervisor of Health Services or Designee immediately when an employee does not arrive at the specified time.

b. Upon arrival, the employee must provide photo identification.

c. The testing procedure is explained to the employee by the collection site person.

d. The breath alcohol technician (BAT) or the QED screening test technician (STT) and the employee complete and sign the appropriate sections of the alcohol testing form.

1.Refusal of the employee to sign the form prior to the initial alcohol test is considered a refusal to test.

2.The school district is notified immediately of the employee's refusal to sign.

e. The employee forcefully blows into the EBT mouthpiece for at least six seconds or until an adequate amount of breath has been obtained. If a QED saliva test is performed, the employee is requested to swab the mouth for 60 seconds.

f. Initial alcohol test results.

1. A negative test result of less than 0.02 AC is reported to the school district in a confidential manner and the employee may continue to perform a safety sensitive function.

2. A test result of 0.02 AC or more requires a confirmation test.

5. Confirmation alcohol testing steps

- a. The confirmation test is done between fifteen and twenty minutes of the initial test whether or not the employee followed the requirements to not eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not to belch during the fifteen minute waiting period to avoid accumulation of mouth alcohol leading to an artificially high reading.

- b. If a different collection site or a different collection site person is used for the confirmation alcohol test, the employee must provide photo identification.

- c. The testing procedure is explained to the employee by the collection site person.

- d. The BAT or STT and the employee complete and sign the appropriate sections of the alcohol testing form.

1. Refusal to sign the form prior to the confirmation alcohol test is considered a refusal to test.

2. The school district is notified immediately of the refusal to sign.

- e. The employee forcefully blows into the EBT mouthpiece for at least six seconds or until an adequate amount of breath has been obtained. If a QED saliva test is performed, the driver is requested to swab the mouth for 60 seconds.

- f. The confirmation test results, which are the final and official test result, are shared with the employee.

- g. The employee and BAT or STT must sign the alcohol testing form following completion of the test. Failure to sign the form after the test is not considered a refusal to test. However, BAT or STT notes the refusal to sign in the remarks section of the form.

- h. The BAT or STT informs the Supervisor of Health Services or Designee of the results of the test in a confidential manner.

1. The BAT or STT notifies the Supervisor of Health Services or Designee immediately, either in writing, in person, by telephone, or by

electronic means of confirmation alcohol test results of 0.02 AC or more.

2.If the BAT or STT informs the Supervisor of Health Services or Designee by telephone, the school district verifies that the BAT or STT is the person on the telephone.

3.The BAT or STT provides the Supervisor of Health Services or Designee with a copy of the alcohol testing form if written communication was not used to report the test results

i. Potentially incomplete tests or invalid alcohol tests are repeated with corrected procedures.

j. The breath alcohol test is stopped when the employee fails twice to provide an adequate amount of breath. In that case:

1.A physician analyzes the employee's inability to provide adequate breath.

2.Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate breath.

3.A refusal to try a second time to provide adequate breath is considered a refusal to test.

6.Refusal to submit to an alcohol test shall result in immediate administrative leave and shall be grounds for termination.

E. Drug Testing Procedures

1. Employee's urine is tested for marijuana, cocaine, opiates, amphetamines and phencyclidine.

2. A split sample urine test is used to conduct the drug test.

a. A negative drug test result allows the employee to continue to perform a safety sensitive function.

b. A positive drug test result on the primary sample requires the employee to be removed from performing a safety sensitive function.

c. A positive drug test result on the primary sample allows the employee an opportunity to request the split sample be tested by another laboratory for the

specific drug found in the primary sample. A negative drug test result on the split sample results in a negative drug test result.

d. An employee's refusal to test shall result in immediate suspension and shall be grounds for disciplinary action up to and including termination.

e. A positive drug test shall result in termination from a driver position or a safety sensitive position on the first offense and the employee will be ineligible for rehire in a safety sensitive position. The driver may apply for other open positions within the district, however, and may be rehired on conditions set by the department of human resources.

3. Employees taking medication at a doctor's direction may perform a safety sensitive function if the doctor determines there is not an adverse affect on performing a safety sensitive function and the school district is informed in writing of the medication and doctor's opinion.

4. Drug testing is conducted to provide privacy to the employee and where the necessary equipment, personnel and materials are located.

a. Drug testing is conducted at a designated non-school district facility unless a mobile unit or a school district facility better serves the situation. Public restrooms can be used as collection sites in exceptional circumstances.

b. In the event privacy cannot be assured, privacy is provided to the extent possible. However, direct observation is allowed if:

1. Reasons exist to believe the employee may alter or substitute the specimen.

2. The employee presents a specimen with a temperature outside the allowed range and does not provide an oral body temperature or the oral body temperature varies from the specimen provided.

3. The last specimen provided was determined by the laboratory to not meet gravity and creatinine concentration criteria.

4. The collection site person observes conduct to substitute or adulterate the specimen.

5. The employee has previously been determined to have used a drug without medical authorization and the particular test is for follow-up testing upon or after return to duty.

c. Direct observation is approved by the supervisor of the collection site person of the designated school district representative. Non-medical

personnel performing direct observation must be of the same gender as the employee.

5. Drug testing steps

a. Once the employee is required to submit to a drug test, the employee must proceed immediately to the collection site. The collection site person contacts the Supervisor of Health Services or Designee immediately when the employee does not arrive at the specified time.

b. Upon arrival, the employee must provide a photo identification. The employee may require the collection site person to provide proof of identification.

c. The employee may keep his or her wallet but must remove any unnecessary outer garments, purses, briefcases, and similar items at the request of the collection site person.

d. Immediately prior to providing a urine sample, the employee must wash their hands.

e. The employee must then provide forty-five milliliters of urine and deliver it immediately to the collection site person.

1. Employees who cannot provide an adequate amount of urine will receive instructions for drinking water and repeating the test.

2. The drug test is stopped when the employee fails twice to provide an adequate amount of urine.

3. A physician analyzes the employee's inability to provide adequate urine.

4. Failure to provide adequate urine is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate urine.

f. The specimen must be kept in view of the employee and the collection site person.

g. Upon receipt of the specimen, the collection site person must immediately, and in no event later than four minutes from the time of urination, measure the temperature of the specimen.

- h. The employee may volunteer to have their oral temperature taken to provide evidence against alteration or substitution if there is some question about the temperature of the specimen.
- i. The collection site person also inspects the specimen for color and other signs of contaminant and notes any unusual findings.
- j. Another specimen is required as soon as possible under direct observation if adulteration or substitution is suspected by the collection site person.
- k. The specimen is divided into the primary and split specimen, sealed and labeled. The label is initialed by the employee.
- l. The employee is required to read and sign the statement on the chain of custody form certifying the specimens are the employee's.
- m. The collection site person is required to note on the chain of custody form any unusual behavior or appearance of the employee and any failure to cooperate.
- n. The collection site person completes the chain of custody form and the employee signs the form indicating the collection is complete.
- o. The specimens are packaged for shipping to the laboratory and shipped immediately or placed in secure storage until they can be shipped.

6. Laboratory

- a. The laboratory used by the school district's alcohol and drug testing program is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA), a division of the U.S. Department of Health and Human Services (DHHS). Laboratories certified by SAMHSA meet the testing procedures, personnel and record keeping requirements of the law.
- b. Upon arrival of the specimen at the laboratory, the split specimen is stored and the primary specimen is tested.
 - 1. A positive test result on the initial test of the primary specimen requires a confirmation test, which is a different and more accurate type of test.
 - 2. The split specimen is discarded if the primary specimen has a negative test result.

7. Medical Review Officer (MRO) reviews drug test results

a. The MRO may release drug testing records of an employee to unauthorized individuals only with the written consent of the driver.

b. The MRO keeps a record of the negative test result and reports the negative test result to the school district.

c. The primary role of the MRO is to review and interpret positive test results to determine whether a legitimate explanation exists for the positive test result.

1. After reviewing the chain of custody form and the laboratory test results, the MRO contacts the employee to discuss the positive test result prior to notifying the school district and to ask whether the employee requests a test of the split sample at the employee's expense. The employee's request for a test of the split sample must be made within seventy-two hours of talking with the MRO.

2. Upon request of the employee, the split specimen is sent to a second SAMHSA certified laboratory for testing at the employee's expense.

3. The MRO contacts the Supervisor of Health Services or Designee for assistance if the employee cannot be reached through reasonable efforts.

4. The Supervisor of Health Services or Designee must confidentially inform the employee to contact the MRO.

5. Upon contacting the employee, the Supervisor of Health Services or Designee must inform the MRO that the employee was contacted.

6. Employees who cannot be contacted are placed on temporary leave without pay.

d. The MRO may verify a positive test without talking to the employee if:

1. The employee declines the opportunity to discuss the drug test.

2. The employee fails to contact the MRO within five days after the Supervisor of Health Services or Designee has contacted the employee.

3. MRO verification of positive test results under these circumstances can be challenged by the employee if he or she presents the MRO with information documenting a serious illness, injury, or other circumstances unavoidably preventing the employee from timely contacting the MRO. The MRO, based on this additional information, may find a legitimate explanation for the positive test result and declare the test negative.

e. The employee is notified of the drugs found in a positive test result by the MRO, the Supervisor of Health Services or Designee, or by certified mail to his or her last known address.

f. The school district receives a written report of the negative and positive test results from the MRO.

F. Pre-employment Testing

1. Employees may be required to submit to a pre-employment alcohol and drug test if a job offer is made.

2. Drivers shall submit to an alcohol and drug test if a job offer is made. The job offer is contingent upon:

a. A negative alcohol and drug test result; and

b. A signed written statement authorizing former employers to release all information on the driver related to alcohol and drugs.

3. Prior to allowing an employee to perform a safety sensitive function, and no later than 14 days after performing a safety sensitive function, the following information must be obtained about the employee for the preceding two years from the date of the application:

a. Alcohol test results of 0.04 or greater;

b. Positive drug test results; and

c. Refusals to be tested.

G. Random Testing

1. Annually, twenty-five percent of the average number of drivers are selected for random alcohol tests and fifty percent of the average number of drivers are selected for random drug tests.

2. The drivers' identification numbers are selected by a scientific method giving drivers an equal chance to be selected.

3. Random tests are unannounced and performed throughout the year.

4. Drivers selected for random alcohol testing are informed of a random alcohol test just before, during or just after performing a safety sensitive function.

5. Drivers selected for random drug testing are informed as soon as possible after the Supervisor of Health Services or Designee receives the driver identification numbers. The school district must document why some, if any, drivers were selected but not informed.

6. The selected driver must proceed immediately to the collection site. However, drivers performing a safety sensitive function must safely stop and proceed to the collection site as soon as possible.

H. Reasonable Suspicion Testing

1. Employees who exhibit observable specific, contemporaneous, articulable characteristics concerning the appearance, behavior, speech, or body odors as well as indications of the chronic and withdrawal effects of drugs may be required to submit to a reasonable suspicion drug test at any time.

2. Employees who exhibit specific, observable, contemporaneous, articulable characteristics concerning the appearance, behavior, speech, or body odors if the reasonable suspicion was determined just before, during, or just after the time in which the employee must be in compliance with this policy, its supporting procedures or the law may be required to submit to a reasonable suspicion alcohol test just before, during, or just after performing a safety sensitive function.

a. A reasonable suspicion alcohol test is performed within two hours and no later than eight hours after determining reasonable suspicion.

b. If the alcohol test is not given within two hours, the reasons for the delay must be documented.

c. If the alcohol test is not given within eight hours, attempts to test are stopped and the reason for not testing must be documented.

3. A reasonable suspicion test request is made by an employee who has received the training to determine reasonable suspicion. The reasons for the reasonable suspicion must be documented within twenty-four hours or prior to the release of the test results. If more than one employee trained to determine reasonable suspicion observes the employee who is the subject of the drug test that employee must also document his or her reasons.

I. Post-accident Testing

1. Drivers are subject to both post-accident alcohol and drug tests as soon as possible after an accident which:

a. the driver received a citation and;

1. bodily injury to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident; or

2. a vehicle was towed from the scene irrespective of the value of the damage to the vehicle; or

- b. A fatality occurred.

2. Drivers must remain readily available for post-accident testing

- a. Drivers who leave the scene or who do not remain readily available are assumed to have refused to test.

- b. Necessary medical treatment cannot and should not be denied to a driver waiting to complete post-accident alcohol and drug tests.

3. Alcohol testing requirements

- a. Administered within two hours and no later than eight hours of the accident.

- b. Reasons for administering the test later than two hours after the accident must be documented.

- c. Reasons for not administering the test within eight hours of the accident must be documented.

- d. Drivers are prohibited from consuming alcohol for eight hours after the accident or until the alcohol test is completed.

4. Drug testing requirements

- a. Administered as soon as possible and no later than 32 hours after the accident.

- b. Reasons for not administering the test must be documented.

5. Results of drug or alcohol testing conducted by law enforcement officers or other officials on the scene with independent authority to conduct such tests are presumed valid if the testing conforms with the law. The school district must receive a copy of the results to use them.

J. Return-to-duty/Follow-up Testing

1. Drivers terminated from a driving position after a positive test or for otherwise violating this policy, shall not be allowed to return to duty as a driver or for any safety-sensitive position. Such employees, however, may apply for other open

positions with the district that are not characterized as safety-sensitive positions, and may be rehired on conditions set by the Department of Human Resources.

2. Prior to returning to duty after a positive test or otherwise violating this policy, its supporting regulations or the law:

a. The employee must be re-evaluated by a substance abuse professional (SAP) to determine that the employee has properly followed any treatment program prescribed in the original evaluation by the SAP.

b. The employee must submit to the tests required by the SAP. The SAP may require a return-to-duty test for drugs, alcohol or both.

c. The return-to-duty test must be a negative drug test result and/or an alcohol test result of less than 0.02 AC before the employee can return to duty and perform a safety sensitive function.

3. For individuals changing jobs after a positive drug or alcohol test, a pre-employment test can serve as a return-to-duty test if one is needed, based on information from a prior employer.

4. After returning to duty, the employee is subject to six unannounced follow-up tests within 12 months for alcohol, drugs or both, if the SAP determines both are necessary.

a. The SAP can terminate the follow-up testing requirement after the first six tests have been completed or continue the follow-up testing for up to 60 months from the date of the employee's return to duty.

b. Alcohol follow-up testing is done just before, during or just after performing a safety sensitive function.

K. School district responsibilities

1. Information on the alcohol and drug testing requirements of this policy, its supporting procedures and the law, including the employee's obligations must be provided to employees. A summary of the requirements must be included in the employee handbook.

2. Supervisors of employees or personnel designated to determine reasonable suspicion shall receive sixty minutes of training on alcohol misuse and sixty minutes of training on drug use. The training must address the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.

3. Prior to operating a school vehicle, employees must be provided with instructions enabling them to comply with alcohol and drug testing requirements.

4. School district supervisors with actual knowledge of an employee's drug use cannot allow the employee to report to or perform a safety sensitive function regardless of whether or not a drug test was conducted.
5. School district supervisors with actual knowledge of a employee with a alcohol concentration of 0.02 AC or greater cannot allow the employee to report to or perform a safety sensitive function regardless of whether or not an alcohol test was conducted.
6. The school district is responsible for ensuring that the quality assurance plan, developed by the manufacturer and approved by the National Highway Traffic Safety Administration (NHTSA) for the evidentiary breath testing device used for alcohol testing of its employees describes the inspection, maintenance and calibration requirements and intervals for it.
7. The school district is responsible for ensuring that the collection site person using the testing device is a certified breath alcohol technician or a quantitative enzyme diagnosis saliva test technician.

L. Consequences of violating this policy, its supporting procedures or the law

1. The superintendent may discipline employees who violate this policy, its supporting procedures or the law relating to alcohol and drug testing. Each incident will be dealt with based on the circumstances surrounding the incident. The following consequences may result from a violation.
 - a. Employees may be discipline up to and including termination.
 - b. Employees may not be permitted to perform safety sensitive functions.
 - c. Employees may be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of drugs.
 - d. Employees may be required to be evaluated by a substance abuse professional who shall determine what assistance, if any, the driver needs in resolving problems associated with the misuse of alcohol or use of drugs and be required to follow any treatment program.
 - e. Prior to the returning to duty, the employee may be required to have a negative drug and/or alcohol test result and be subject to the follow-up drug and/or alcohol testing determined necessary based on the circumstances surrounding the incident.
 - f. Employees refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to discipline up to and including termination.

g. Employee/applicants who refuse to submit to or cooperate with the drug and/or alcohol testing process and requirements shall be disqualified from further consideration.

2. Terminated employees will be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of drugs.

3. Employees refusing to submit to drug and/or alcohol testing are considered insubordinate and are treated as having tested positive, resulting in termination from a driving position and subject to additional discipline up to and including termination from district employment.

4. Applicants for employment who refuse to submit to or cooperate with the alcohol and drug testing process and requirements shall be disqualified from further consideration.

M. Alcohol and drug testing records

1. Alcohol and drug testing records are stored in limited access locations separate and apart from the employee's general personnel documents.

2. The records may only be released with the written consent of the employee. Only those records specifically authorized for release may be released. However:

a. Records may be released to appropriate government agencies without a written consent.

b. Records may be released to appropriate school district employees without written consent.

c. The district may, without written consent, make an employee's drug and alcohol test records available to a decision maker in a lawsuit, grievance, or other proceedings initiated by or on behalf of the individual, and arising from the results of an alcohol or drug test under this policy, its supporting procedures or the law or from the school district's determination that the employee violated this policy, its supporting regulation, or the law.

3. Employees are entitled with a written request to prompt access to and copies of their alcohol and drug test records without requiring payment of amounts owed for the copying of records other than alcohol and drug testing records. The district may charge for copying these records in accordance with board policy.

4. The district must maintain the following records of its drug and alcohol misuse prevention and testing programs for the time period:

a. One year:

1. Records of negative and canceled drug test results and alcohol test results of less than 0.02 AC.
2. Records related to the collection process.
3. Records related to an employee's test results.
4. Records related to other violations of the law.
5. Records related to evaluations.
6. Records related to education and training.
7. Records related to drug testing.

b. Two years: records related to the alcohol and drug collection process, except calibration of evidential breath testing devices, and training.

c. Five years:

1. Alcohol test results of 0.02 AC and greater;
2. Verified positive drug test results;
3. Documentation of refusal to take required alcohol and/or drug tests;
4. EBT calibration documentation;
5. Driver evaluation and referrals; and
6. Annual calendar year summary.

Definitions

Accident - an occurrence involving a school vehicle operating on a public road which results in: (a) a fatality, (b) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident or (c) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Air blank - a reading by an evidentiary breath testing device (EBT) of ambient air containing non alcohol.

Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) (AC) - the alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred ten liters of breath as indicated by an evidential breath test under the law.

Alcohol use - the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT) - an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Canceled or invalid test - in drug testing it is a drug test that has been declared invalid by a Medical Review Officer or a specimen that has been rejected for testing by a laboratory. A canceled test is neither a positive nor a negative test. In alcohol testing it is a test that is deemed to be invalid under the law. It is neither a positive nor a negative test.

Chain of Custody - procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. With respect to drug testing, these procedures require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate laboratory chain of custody for(s) account(s) for the sample or sample aliquots within the laboratory.

Collection site - a place where drivers present themselves for the purpose of providing body fluid or a tissue sample to be analyzed for specific drugs or breath alcohol concentration.

Confirmation test - for alcohol testing it is a second test following an initial test with a result of 0.02 AC or greater, that provides quantitative data of alcohol concentration. For drug testing it is a second analytical procedure (GC/MS) to identify the presence of a specific drug of metabolite which is independent of the initial test and which uses a different technique and chemical principal from that of the initial test in order to ensure reliability and accuracy.

Controlled substances/Drugs - any drug, substance or immediate precursor as defined in state and federal law and regulations.

Driver - any person who operates a school vehicle. This includes, but is not limited to: full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner - operator contractors who are either directly employed by or under lease to the school district or who operate a school vehicle at the direction of or with the consent of the school district. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes applicants for driver of school vehicle positions.

Employee - any individual who performs services for the district for hire or for wages or salary including any applicant for such a position.

Initial test (or screening test) - in drug testing it is an immunoassay screen to eliminate "negative" urine specimens from further consideration. In alcohol testing it is an analytic procedure to determine whether a driver may have a prohibited concentration of alcohol in a breath or saliva specimen.

Medical review officer (MRO) - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with the individual's medical history and any other relevant bio-medical information.

Non-suspicion-based post-accident testing - testing of a driver after a reportable accident if the driver receives a citation for a moving traffic violation arising from the accident and without regard to whether there is any reasonable suspicion of drug usage, reasonable cause to believe the driver has been operating the school vehicle while under the influence of drugs, or reasonable cause to believe the driver was a fault in the accident and drug usage may have been a factor.

Performing a safety sensitive function (SSF) - a driver is considered to be performing a safety sensitive function during any period in which the driver is actually performing, ready to perform, or immediately available to perform any sensitive functions.

Random Selection Process - when drug tests are unannounced and that every driver has an equal chance of being selected for testing.

Reasonable suspicion - when the school district believes the appearance, behavior, speech or body odors of the employee are indicative of the use of drugs or alcohol.

Refuse to submit (to an alcohol or drug test) - when an employee (1) fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part, (2) fails to provide adequate urine for drug testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part, or (3) engages in conduct that clearly obstructs the testing process.

Safety Sensitive function (SSF) - all time from the time when a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work.

School Vehicle - a vehicle owned, leased, and/or operated at the direction or with the consent of the school district which transports sixteen or more persons, including the driver, or weighs over twenty-six thousand one pounds and requires the driver to have/possess a commercial driver license in order to operate the vehicle.

Screening Test Technician (STT) - Person who screens for alcohol concentration by quantitative enzyme diagnosis through saliva analysis.

Split specimen - the division of the urine specimen into thirty milliliters in a specimen bottle (the primary sample) and into at least fifteen milliliters in a second specimen bottle (the split sample).

Approved: December 13, 1994; Revised: May 7, 1996; June 2001

Code 417

Title: Contract Termination

Resignations by certified employees will be in writing giving, signed by the resigning party, and directed to the Superintendent or his/her designee. The Superintendent will recommend disposition to the Board of Education as provided by statute.

All resignations for the following school year submitted within twenty-one (21) days of the annual issuance of the contract will be accepted by the Board. Thereafter, resignations will not be accepted by the Board until the administration has determined that a competent, qualified replacement is available and eligible to be contracted. An employee released from a contract may be required to pay the reasonable costs associated with finding a suitable replacement. The administration will use reasonable effort to obtain such a competent, qualified replacement in a timely fashion.

If a certified employee leaves without proper release by the Board, the Superintendent is required to file a complaint with the Board of Educational Examiners.

Board Procedure 417A – Non-certified resignation:

(a) Resignation of Non-Certified Contract Employees

All contracts for non-certified employees may be terminated by either party by giving thirty (30) days' written notice. A written request from an employee to resign shall be forwarded to the Executive Director of Human Resources Management for proper action.

(b) Resignation of Non-Contract Employees

All employees who are not serving under a contract are expected to give at least two weeks' written notice of resignation. An employee who is absent from work for three consecutive days without notification for valid reason to the employer will be considered to have resigned their employment with the District.

Revised January 19, 1993; March 3, 2021

Code 420

Title: Exchange Teachers

A request by a teacher for the exchange of teaching services inside or outside the United States is to be forwarded to the Executive Director of Human Resources Management and shall be judged by the superintendent upon its merits.

Revised January 19, 1993

Code 421

Title: Substitute Teaching

a. Qualifications

1. Certificates

Iowa law requires that every teacher must hold a certificate valid for the period during which the teacher receives compensation for services. This also applies to all substitute teachers.

2. Application

All applicants for substitute teaching must complete an application form and arrange for an interview with the Department of Human Resources. The applicant is placed on the active list if qualifications and recommendations meet the standards for substitute employment.

b. Assignment

1. Substitute Teachers

Substitute teachers are those who do substitute teaching on call for day-by-day assignments. Salaries are determined each year by the Board of Directors; pay periods are the same as those for regular teachers.

On the eleventh (11th) day of any continuous assignment, the daily rate shall be increased. Biweekly payroll reports are required as long as a substitute teacher is on a daily rate.

2. Interim Teachers

A substitute teacher may be assigned as an interim teacher by the Executive Director of Human Resources Management if it is known that the substitute teacher will have continuous employment of at least 80 days in one assignment. The interim teacher then assumes that assignment with a salary appropriate to his/her training and experience, with the regular teacher benefits but without a contract.

3. Credit on the Salary Schedule

Interim teachers with 130 days of continuous service in one position receive credit for one year of service on the salary schedule. At least 65 days of continuous service in one position is required to receive credit for one semester toward advancement on the salary schedule.

4. Duties and Responsibilities

Exactly the same duties and responsibilities are assigned to substitute teachers as those assigned to regular teachers who are under contract, and the same services are expected from them.

5. Release from Assignment

Daily or interim substitutes may be released from the position at any time.

6. Responsibility for Substitute Calls

Requests for substitutes must be made through the substitute caller in the Department of Human Resources Management, and substitutes should recognize only those calls from the Department of Human Resources Management.

7. Hours

Substitutes should report to the assigned school at the time indicated in the Substitute Teachers Directory supplied by the Department of Human Resources Management. Daily substitutes are expected to work the same day as a non-administrative certified employee.

8. Check In and Out

Substitutes report to the principal's office to sign in and receive directions and special instructions. At the end of the day, a responsible school official should sign the substitute's payroll form. The substitute should report to the substitute caller when he/she is available for a new assignment.

9. Evaluation

Substitute teachers are evaluated by the building administration. If the assignment is for five days or longer, the substitute's performance will be evaluated. The building administration may choose to evaluate prior to the conclusion of the five-day or longer assignment.

Substitute teachers may request to be evaluated by the building administration if the assignment is less than five days.

Code 422

Title: Student Teaching

a. Elementary

1. The Executive Director of Elementary and Early Childhood Programs will request from each building principal, names of teachers recommended as qualified to work with student teachers during the following school year. The principal will also include the specific subject and grade level assignment of the teacher. The building principal will receive a copy of criteria for selection from the "Guidelines for Student Teaching in the Des Moines Schools."
2. On receipt of these recommended lists from the building principals, the Executive Director of Elementary and Early Childhood Programs will send an invitation to each recommended teacher to accept the professional responsibility of working with a student teacher during one or both semesters of the next school year. If the recommended teacher does not wish to be assigned a student teacher, his/her name is removed from the list for one year. Teachers who accept the invitation are placed on the final list to receive student teachers when assignments are made. This is not, however, a guarantee that every teacher on the list will receive a student teacher.
3. The Executive Director of Elementary and Early Childhood Programs will keep a file, by building, of all student teaching assignments, including name of cooperating teacher, name of student teacher, college or university, and dates of student teaching experience.
4. After the university or college has sent a list of prospective student teachers and their area of preparation, the Executive Director of Elementary and Early Childhood Programs will assign each student teacher to a cooperating teacher.
5. The cooperating teacher and the building principal will provide an orientation for the student teacher to his/her building, to regulations and policies of the building and the district, and to the "Guidelines for Student Teaching in Des Moines Schools."
6. Des Moines teachers who are assigned student teachers are reimbursed by the college or university in which the student is enrolled. At Drake University and Grandview College, the cooperating teacher has the option of accepting reimbursement in terms of tuition credit.
7. Unsatisfactory assignments and failures of students to report to their assignments on the designated date should be reported to the Executive Director of Elementary and Early Childhood Programs at the earliest possible time.

A student teacher is not to be utilized as a substitute teacher.

The placement of student teachers in the public schools is the responsibility of the Department of Elementary and Early Childhood Programs, working with the coordinators of student teaching in colleges and universities. More details regarding policies and procedures for student teaching may be found in "Guidelines for Student Teaching in the Des Moines Schools."

b. Secondary

Student teachers will be assigned to work in the secondary schools according to the following procedures:

1. In February each year, the Executive Director of Middle and High School Programs will request from each building principal the names of those teachers on the faculty whom he/she recommends as qualified to work with student teachers during the following school year. The principal will also include the specific subject and grade level assignment the teacher is likely to receive. With the request to the building principal for the recommended list will be sent criteria for selection contained in the "Guidelines for Student Teaching in the Des Moines Schools."
2. On receipt of these recommended lists from the building principals, the executive director will send an invitation to each recommended teacher during one or both semesters of the next school year. If the recommended teacher does not wish to be assigned a student teacher, his/her name is removed from the list for one year. Teachers who accept the invitation are placed on the final list to receive student teachers when assignments are made. This is not, however, a guarantee that every teacher on the list will receive a student teacher.
3. The Executive Director of Middle and High School Programs will keep a file, by building, of all student teaching assignments, including name of cooperating teacher, name of student, college or university, and dates of student teaching experience.
4. Having been provided by the university or college a list of prospective student teachers and their area of preparation, the Executive Director of Middle and High School Programs will assign each student teacher to a cooperating teacher. In order to make the best assignment possible, the executive director will be assisted by data on the student application, by recommendations of building principals, by suggestions from university and college personnel, by subject area supervisors, by secondary consultants, and by evaluations made of previous student teaching assignments.
5. The executive director will notify each cooperating teacher via the building principal when a student teacher has been assigned, and will provide the following information: 1) name of student teacher; 2) name of college or university preparing

student teacher; 3) beginning and ending dates of student teaching assignment, as well as personal data sheets provided by the college or university.

6. The announcements of student teaching assignments for each semester will be made before the end of the previous semester so student teachers can arrange to meet their cooperating teachers before the close of the current semester.

7. The cooperating teacher, the building principal, and the executive director will provide an orientation for the student teacher to his/her building, to building and district regulations and policies, and to the "Guidelines for Student Teaching in the Des Moines Schools."

8. Des Moines teachers who are assigned student teachers are reimbursed by the college or university in which the student is enrolled. At Drake University and Grandview College, the cooperating teacher has the option of accepting reimbursement in terms of tuition credit.

9. Unsatisfactory assignments and failures of students to report to their assignments on the designated date should be reported to the Executive Director of Middle and High School Programs at the earliest possible time.

Revised January 19, 1993

Code 430

Title: Compensation

a. Initial Placement on Schedule--Instructional Personnel

The initial salary is based upon the candidate's qualifications and experience in accordance with the salary schedule and regulations in force at the time of employment.

1. Allowance for Experience

Credit is allowed for approved teaching experience to a maximum of ten years. This includes teaching experience in public schools or teaching on a full-time basis in an accredited college, private, or parochial school on the elementary or secondary level. Interns are granted full credit for experience in the Teacher Corps Program.

In calculating teaching experience, no fractional credit of less than one-half year will be credited. One hundred thirty (130) days or more of actual teaching in a given school year will be credited as one year's experience. Actual teaching experience of less than 130 days, but more than 65 days in any one school year, will be credited as a half year of experience. In placing a teacher upon a step on the salary schedule,

one-half year of teaching will be disregarded until the teacher has two such half years, in which case credit will be given for a full year of experience.

Experience as a daily substitute teacher shall not be credited upon the salary schedule except for service as interim teacher (contract rate) in the Des Moines Independent Community School District, in which case credit will be given on the salary schedule as outlined above.

In those unusual instances where credit allowance is not covered by board policy and where in the judgment of the Executive Director of Human Resources Management, the experience would be of value as applied to classroom teaching in the district, credit on the salary schedule may be given, up to a maximum of ten years.

2. Credit for Trade Experience, Vocational Trade, and Industrial Teachers

Vocational trade and industrial teachers shall be placed on the salary schedule for the classroom teacher as follows (Step 10 is the maximum in all classifications):

Basic requirements (see "Qualifications")

Placement: Class I, Step 2

Basic requirements plus 15 semester hours of college credit

Placement: Class II, Step 2

Basic requirements plus 30 semester hours

Placement: Class III, Step 2

Basic requirements plus 45 semester hours

Placement: Class IV, Step 2

Basic requirements plus 60 semester hours

Placement: Class V, Step 2

3. Credit for Work Experience

In establishing the step on the salary schedule for a business or industrial education teacher, each total of ten months of approved work experience shall be counted as an equivalent of one year of teaching experience, up to a maximum of two years.

4. Initial Salary Classification

For salary purposes, certified employees are placed in one of five classes, according to the amount of training:

Class I Bachelor's Degree

Class II Bachelor's Degree plus 15 semester hours

Class III Master's Degree

Class IV Master's Degree plus 15 semester hours

Class V Master's Degree plus 30 semester hours from an accredited college or university, earned before or after receiving the Master's Degree

b. Advancement on Salary Schedule

1. Annual Increments

Regular full-time and part-time certified employees on the teachers' salary schedule are granted one increment or vertical step on the schedule if service has been provided by the employee that meets district standards for the current service year, and the employee is not at the maximum step for his/her educational classification. Minimum service during the service year to be eligible for a vertical step on the schedule is 130 working days.

In the event that a regular part-time employee is assigned a full-time position, the employee's placement on the salary schedule is computed by granting one year of experience on the salary schedule for each consecutive year of prior full-time service that meets district standards, and one year of experience on the salary schedule for each consecutive two-year period of part-time service that meets district standards, if this placement does not exceed the maximum step for his/her educational classification.

2. Training Increments

The salary schedule provides for a periodic training increment between Steps 10 and 11. It is necessary at this point that the teacher will have completed six semester hours of professional training during the five-year period immediately prior to advancing from Step 10 and 11. The six hours may be academic credit or staff development credit, or a combination of both.

3. Trade and Industrial Teachers' Training Increment

Vocational trade and industrial teachers completing specialist, correspondence, or factory training schools may receive credit evaluated on the same basis that credit is evaluated for college training.

Thirty units of approved credit advance to the next class--one unit of approved credit equals one semester hour of college or sixty (60) hours of trade or work experience.

Vocational trade and industrial teachers may not earn over twelve (12) units of approved credit per year (college or work experience), or over eight units of work experience credit in any one year. The only retroactive units of credit for salary readjustment shall be earned college credit (not work or trade experience).

b. Initial Placement on Schedule--Nurses and Hygienists

The initial salary is based upon the candidate's qualifications and experience in accordance with the salary schedule and regulations in force at the time of employment. The same salary schedule is applicable for nurses and hygienists.

1. Allowance for Experience--Nurses

Nurses are granted full credit on the salary schedule for school health or generalized public health experience, full-time teaching, hospital, or similar nursing experience, up to a maximum of ten (10) years.

2. Initial Classification--Nurses

Nurses are classified for salary purposes into seven classes, according to the amount of training:

R.N.

R.N. plus 30 semester hours

Class I R.N. plus Bachelor's Degree

Class II R.N., Bachelor's Degree, plus 15 semester hours

Class III R.N., Bachelor's Degree, plus Master's Degree

Class IV R.N., Master's Degree, plus 15 semester hours

Class V R.N., Master's Degree, plus 30 semester hours from an accredited college or university, earned before or after receiving the Master's Degree

(Note: Additional differential paid for R.N. plus 60 approved hours).

3. Allowance for Experience--Hygienists

Hygienists are granted full credit on the salary schedule for school or private dental hygiene work, up to a maximum of 10 years.

4. Initial Classification--Hygienists

Hygienists are classified for salary purposes into seven classes, according to the amount of training.

Certificate of Dental Hygiene from an approved school

Certificate of Dental Hygiene plus 91 to 119 semester hours of college credit

Class I Certificate plus Bachelor's Degree

Class II Certificate, Bachelor's Degree, plus 15 semester hours

Class III Certificate plus Master's Degree

Class IV Certificate, Master's Degree, plus 15 semester hours

Class V Certificate, Master's Degree, plus 30 semester hours from an accredited college or university, earned before or after receiving the Master's Degree

d. Substitute Teachers

Substitute teachers are paid on a daily basis according to the schedule adopted by the Board of Directors.

e. Adult Education and Summer School Teacher

Employees in the adult education program and summer school teachers are paid on an hourly basis at the rate established by the Board of Directors.

f. Associates

Teacher and library associates are paid on a daily basis at the rate established by the Comprehensive Agreement.

g. Secretarial/Clerical

Secretarial/Clerical personnel are paid on a biweekly basis according to the rate established by the Comprehensive Agreement. The step upon which a new employee is placed on the secretarial salary schedule is determined by prior experience.

h. Plant and Transportation

Plant and Transportation employees are paid on an hourly basis at the rate established by their Comprehensive Agreement.

i. Food Service

Managers of school lunchrooms are paid on a biweekly basis at the rate established by the Board of Directors. All other Food and Nutrition Management employees are paid an hourly rate established by their Comprehensive Agreement.

j. Pay Periods

Employees are paid on a biweekly basis throughout the year, according to the schedule established for Group I or Group II pay periods.

Group I (12-month employees)

Administrators
Secretarial/Clerical
Operations
Specialists
Food Service
Maintenance
12-month teachers

Group II (less than 12 months)

Teachers (9-1/2 and 10-1/2 month)
10-1/2 month administrators
Associates

Revised January 19, 1993

Code 430.1

Title: Workers' Compensation

The lost time claims incurred by employees of the school district are handled by Employers Mutual Companies (EMC). Since this claim service is being used, the procedures to handle Workers Compensation are as follows:

- a. The school district's employee injury report form (24-96242) must be completed and sent to the district's Department of Health Services.
- b. Health Services will complete State of Iowa Form L-1/WC-1 (First Report of Injury).
- c. Health Services will make a copy of the district employee injury report and First Report of Injury and send copies of those reports to the district's insurance carrier (EMC). The school district will not be required to complete any other forms required by the Industrial Commissioner.

d. The district insurance carrier (EMC) will investigate and pay all lost time claims and all medical claims related to those cases where lost time is involved. "Lost time" begins after more than three days of work are missed due to a work-related injury.

e. The district will pay all medical bills and other claims on those work-related injuries/illnesses which do not involve lost time. All work-related medical bills should be sent to Health Services for payment or for forwarding to the district insurance carrier if lost time is involved.

f. The district insurance carrier (EMC) sends copies of checks paid to the employees who have lost time claims to the Executive Director of Business and Finance so that sick leave payments can be coordinated with the Workers Compensation payments.

g. The district and/or employee must notify the district insurance carrier (EMC) when an employee returns to work.

Workers Compensation payment becomes due to the employee after time loss of three calendar days (including weekend days). The district insurance carrier (EMC) will normally have a check prepared ten calendar days after the date of the injury, and the injured employee should receive it approximately two weeks after the date of the injury. This timeline can be met if the above items are promptly handled and received by Health Services.

Revised January 19, 1993

Code 430.2

Title: Travel Allowances

a. Travel Allowances, Out-of-District

District employees gain information and skills in a variety of ways. Travel outside the district to visit other districts, or attend conferences or workshops can be valuable professionally and broaden the perspective. Employees are encouraged to share knowledge and skills with others on their return to further the district's gain on the travel investment.

This is meant to serve as a travel expense guide. Employees are encouraged to use good judgment regarding travel expenses as to what is a customary and reasonable use of public funds.

b. Reimbursable Expenses

1. No reimbursement can be made without a completed Out-of-District Travel Expense Claim:

1. Form must be completed and presented to supervisor of the travel account or Executive Director of Business and Finance;

2. All required receipts and expense forms must be attached to the Out-of-District Travel Expense Claim form prior to submission and issuance or reimbursement.

2. Actual costs will be reimbursed for the following expenses:

1. Conference registration--receipt required.

2. Meals--actual expenses incurred not to exceed \$35 per day total expense; any meal that exceeds \$10 in total cost must have a receipt.

3. Telephone calls--calls related to district business.

4. Car rental--if required for district-related business or provides a savings to the district; receipt required.

5. Transportation--airfare (through the district travel agent) or mileage for personal car (not to exceed cost of airfare); ground transportation to hotel, airport and as required by business; receipt required.

6. Room--cost of a single or double room for employee; receipt required.

7. Miscellaneous charges--luggage handling; parking.

c. Unreimbursable Personal Expenses

- Alcoholic beverages
- Travel insurance
- Recreation and/or entertainment expenses including transportation expenses
- Personal phone calls
- Additional room costs for family member
- Combination travel

District paid travel commences the day prior to the opening of the conference/convention and ends the day following the closing. Additional days are designated "vacation" and are at employee expense unless it provides significant savings to the district. Supervisor approval is required.

d. Reimbursements of Travel Funds by Other Than District Resources

All district employees are subject to Board Policy Code 437: Gifts to District Officials and Employees.

District officials and employees shall not accept personal gifts worth more than \$2.99 per donor per day.

The definition of a gift is defined in Section 68B of the Code of Iowa as follows: ". . . a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or anything else of value in return for which legal consideration of equal or greater value is not given and received, if the donor is in any of the following categories:

1. Is doing or seeking to do business of any kind with the donee's agency.
2. Is engaged in activities which are regulated or controlled by the donee's agency.
3. Has interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the donee's official duty.
4. Is a lobbyist with respect to matters within the donee's jurisdiction."

This document will be reviewed annually by the Department of Human Resources Management.

Approved January 21, 1992; revised January 19, 1993

Code 432

Title: Absences and Leaves

Absences and leaves shall be granted for certified and classified personnel according to current Comprehensive Agreements or appropriate personnel practices and procedures handbooks and are included in this document by reference.

Code 432.1

Title: Absences--Illness

Absence for personal illness or injury shall be allowed according to current Comprehensive Agreements or appropriate personnel practices and procedures handbooks and are included in this document by reference.

Code 432.2

Title: Extended Illness

Employees absent more than ten consecutive working days due to health reasons must have a note from their attending physician before being allowed to return to work. This note should be given to the employee's department head or principal who will in turn forward it to the Department of Health Services to be included with the employee's permanent health record.

All employees with extended absences due to illness or with attendance records that exhibit unusual medically related leave usage may also be required to obtain an attending physician's statement before being allowed to return to work or may be referred to the Director of Health Services. Determination of whether an employee is capable of returning to work shall be made by the Department of Health Services in consultation with the employee's physician.

Revised January 19, 1993

Code 434

Title: Vacations

Vacation will be provided for certified and classified personnel according to current Comprehensive Agreements or appropriate personnel practices and procedures handbooks and are included in this document by reference.

Code 440

Title: Professional Growth--Certified Staff

a. Total Hours Allowed

In order to protect the quality and efficiency of instruction in the schools, limitations must be placed on the amount of advanced study that certified personnel may pursue during the school year.

Certified employees are required to report to the Department of Human Resources Management all study pursued in any school or college during the period for which that employee is under contract with the district, whether or not such study is being done for credit under the salary schedule.

The limit of collegiate work which may be taken by a certified employee off probation engaged in active teaching in the district (not on leave of absence) is eight semester hours in any one semester, or a total of 12 semester hours during the two semesters of any one school year, unless special permission is granted by the Executive Director of Human Resources Management.

There is no limit on the number of semester hours that may be taken during the summer vacation period. Correspondence courses begun in the summer shall be counted as course work in progress and figured as part of the allowed load during the school year.

b. Probationary Employees

During the first year of probation, a certified employee may not take course work without special permission from the Executive Director of Human Resources Management.

c. Approval for Courses of Study

1. Degree Program Approval

Employees may submit their course of study approved by the degree-granting institution to the Department of Human Resources Management for approval prior to the beginning of course work. If approved by the Department of Human Resources Management, no other approval is required for this course of study.

2. Individual Course Approval

Employees may submit the appropriate form (Form 61) for approval prior to the beginning of the course. If no prior approval, the employee may submit the appropriate certified transcript with assurance of approval by the Department of Human Resources Management for advancement on the salary schedule.

3. Staff Development

Staff development courses offered by the Des Moines Public Schools may be taken without prior approval. Credit approval will be granted from the completed certificates provided to the Department of Human Resources Management by the Coordinator of Staff Development. Staff development courses offered by agencies other than the Des Moines Public Schools must receive approval prior to the beginning of the course for acceptance to advance on the salary schedule. Requests for reclassification based upon acceptable completion of approved courses will be accepted until September 1 to include work completed prior to September 1. A certified transcript from the training institution or completion of course work certificate for staff development must be submitted to the Executive Director of Human Resources Management for evaluation by September 15 in order that the salary of the employee can be changed from one class to another when applicable. The salary increase as a result of reclassification will be retroactive to the effective date of the salary schedule. Credit up to the tenth step of any salary level on the employee salary schedule may be given for previous teaching experience or job-related work experience in a duly accredited school or place of employment.

d. Semester Hours

The official transcript of collegiate work filed in the Department of Human Resources Management is recorded in terms of semester hours. One semester hour is equivalent to 900 clock minutes. Some colleges use the quarter or term hour as the unit of time. Three quarter terms equal two semesters of work, making a quarter hour of credit equivalent to two-thirds of a semester hour.

The official transcript is the only verification of course completion accepted by the Department of Human Resources Management.

Revised January 19, 1993; October 2002

Code 440.1

Title: Professional Organizations

One important stimulus to professional interest and growth on the part of school personnel is professional organizations that provide opportunity for meetings, publications, and mutual exchange of information. Individual members of the staff, certified and classified, are encouraged to participate in such activities.

Code 440.2

Title: Publications

The district shall endeavor to recognize the publications of all employees through appropriate means.

Code 443

Title: Tutoring

Teachers who wish to render tutorial services to one of his/her students must submit a written request, indicating reasons, time, and place of the services, to the teacher's supervisor. The request shall be subsequently forwarded with a recommendation to the superintendent or his/her designee, who will approve or disapprove.

"Private tutoring sessions for pay" applies to those situations in which a student's parent/guardian directly reimburses an individual for tutoring services. School facilities and materials may be used when Des Moines Public Schools contracts with a community agency to provide tutoring services and those services are free to all interested students.

Revised January 19, 1993; June 1, 1999

Code 444

Title: Political Activity

For purposes of this regulation, prohibited "political activities" is narrowly defined to mean "partisan political activities", which would include the posting of political circulars or petitions, collection of and/or solicitation of campaign funds, solicitations for campaign workers, the use of

pupils in writing or addressing campaign materials, or the distribution of campaign materials to pupils on school district property or during school time in any manner which would indicate that a school employee is using a position in the school to further personal partisan views on candidates for public office or on unresolved questions of public policy in the political arena.

Violations of any of the foregoing shall, at the discretion of the Board of Directors, constitute cause for reprimand, demotion, suspension, or dismissal.

Nothing in this regulation shall be interpreted as prohibiting teachers from conducting appropriate activities which encourage students to become involved in the political processes of the party of their (the students') choice or as independents; nor does it prohibit the use of political figures as resource persons in the classrooms.

In view of the constitutional amendment granting the franchise to 18-year-olds, school facilities may be used as meeting sites for student partisan political groups after normal school hours. A teacher or an approved (by the principal) community person must be in attendance at such meetings.

Revised January 19, 1993

Code 445

Title: Acceptable Use of Internet & Networking Technology by Employees

The following are the established expectations and standards of the Des Moines Independent Community School District regarding the acceptable use by employees of district computers, the district computer network, the internet and other on-line services:

1. The school district encourages employees to learn to use computers, the computer network, electronic mail and telecommunications tools and apply them in the appropriate ways to the performance of tasks associated with their positions and assignments.
2. Employees shall communicate with telecommunications tools in a professional manner consistent with the law and district policies, including those governing the behavior of school employees and federal laws governing copyrights, confidentiality of employee records, student records and other information confidential under the law.
3. Communication over networks should not be considered by employees to be private. The district's network administrator(s) or other administrators from time to time may examine all computers and computer network activities and review directories, messages and files to ascertain compliance with network guidelines for acceptable use. In addition, network administrator(s) or other administrators may inspect the contents of any and all electronic mail or files and may disclose the contents to others. Such disclosure may occur at the discretion of the district administration and/or when required to do so by law, by policies of the district, or to investigate complaints regarding electronic mail which is alleged to contain inappropriate material. The network administrator(s) may copy,

disclose, move, alter or delete files as may be necessary in the sole judgment of the network administrator(s) or the district administration.

4. Individual staff members may not allow anyone else to access or use the district's computer network or the internet by using the employee's personal identification number or password. Employees will be responsible for the security of their own e-mail and network access, and employees will be held responsible for any misuse of their e-mail or network access by themselves or by others.

5. Employees authorized to allow student access to the district's computer network and internet may do so only according to the student access policy and are responsible for supervising student access. Employees who allow student access to computer networks and the internet in violation of the student access policy may be subject to disciplinary action up to and including termination.

6. The following uses of district network and internet access are not permitted on the part of district employees:

- a. Accessing, uploading, downloading, transmitting or distributing pornographic, obscene, profane, abusive, threatening, or sexually explicit material, or material encouraging or promoting discrimination towards individuals or groups of individuals based upon age, race, creed, color, sex, sexual orientation, marital status, national origin, religion or disability.
- b. Violating any local, state or federal statute.
- c. Accessing another individual's materials, information, or files without permission.
- d. Violating copyright or otherwise misusing the intellectual property of another individual or organization without permission.
- e. Unauthorized use of another's password.
- f. Any unauthorized access or malicious attempts to damage computer hardware/software or networks, or destroying the data or another user, including creating, loading or intentionally introducing viruses.
- g. Using the network for commercial purposes, personal purposes which interfere with job performance or function of the workplace, or other purposes not consistent with the educational objectives of the district.
- h. Harassing, insulting, or threatening harm or embarrassment of others.
- i. Gaining unauthorized access to others' resources or entities.
- j. Invading the privacy of individuals.

- k. Altering the operation of computers as set by the network administrator.
 - l. Failing to follow district policy while using computers or failing to follow any other policies or guidelines established by district administration or the employee's supervisor and failure to follow instructions of supervisors.
 - m. Seeking to gain or gaining unauthorized access to information resources or other computing devices
 - n. Using the system to communicate, publish or display information, rumors, disparaging portrayals or any other information which is known to be false or misleading.
7. Employees are responsible for maintaining a safe and secure environment. This includes the computers and the computer network. Employees must keep passwords secure. Employees will change passwords when directed by the network administrator. Any employee identified as a security risk or having a history of problems with any computer systems may be denied access.
8. The district makes no warranties of any kind, whether expressed or implied, for the access it is providing. The district is not responsible for any damages suffered by employees or by third persons. This includes loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions caused by the district or employee errors or omissions. Use of any information obtained via the internet is at the user's risk. The district denies any responsibility for the accuracy or quality of information obtained through its system.
9. Any statement of personal belief found on the computer network or internet or other telecommunication system is explicitly understood to be representative of the author's individual point of view, and not that of the Des Moines Independent Community School District, its administrators, teachers, staff, or the participating school.
10. Employees who violate any part of this policy will be subject to disciplinary action, which could include loss of the privilege of access to the system, and employment consequences up to and including termination.

Code 450

Title: Abuse of Students by District Employees

a. Definitions:

- 1. "Physical abuse" refers to non-accidental physical injury to the student as a result of the actions of a school employee. Injury occurs when evidence of it is still

apparent at least 24 hours after the incident. Physical abuse may occur as a result of intentional infliction of injury or excessive, unnecessary, or unreasonable use of force.

2. "Sexual abuse" refers to any sexual offense as defined by Iowa Code Chapter 709, or Iowa Code Section 728.12(1). The term also encompasses acts of the school employee that encourage the student to engage in prostitution as defined by Iowa law, as well as inappropriate, intentional sexual behavior by the school employee toward a student.

b. Reporting Allegations of Abuse of Students by School Employees:

The following provisions have been implemented to clarify and facilitate the process of reporting physical or sexual abuse by a district employee:

1. The names of the Level 1 investigator and alternate will be published annually:

1. in the student handbook,
2. in a local newspaper of general circulation, and
3. will be posted in all buildings operated by the district.

2. All reports will be directed to a Level 1 investigator. If school employees know of persons wishing to report abuse, they will direct the potential reporters to the Level 1 investigator or alternate and will not reveal any knowledge of the report to any other person.

3. The Level 1 investigator or alternate will assist complainants to file a formal report.

4. A report of alleged child abuse shall be in writing, signed, and witnessed by a person of majority age, and shall contain the following information:

1. the full name, address, and telephone number of the person filing,
2. the full name, age, address, telephone number and attendance center of the student,
3. the name and place of employment of the school employee(s) or agents who allegedly committed the abuse,
4. a concise statement of the facts surrounding the incident, including date, time and place of occurrence, if known,
5. a list of possible witnesses by name, if known, and

6. names and locations of any and all persons who examined, counseled or treated the student for the alleged abuse, including the dates on which those services were provided, if known.

c. Investigating Allegations of Abuse of Students by School Employees--Level 1:

The Level 1 investigation shall determine whether or not it is likely that an incident took place between the student and the school employee. It is not the Level 1 investigator's role to determine guilt or innocence or whether or not the incident rises to the level of abuse as defined herein. The superintendent will recommend the names of two district employees to serve as the Level 1 investigator and alternate. The persons named should include both genders. The board will appoint persons to these roles at its first meeting in July.

d. Responsibilities of Level 1 Investigators:

1. Receive complaints of alleged abuse by employees from the Director of Human Resources Management.
2. Assist complainants to file a formal report.
3. Notify appropriate persons of reports filed.
4. Conduct investigations.
5. Refer to law enforcement if necessary.
6. Terminate investigations or refer to Level 2 for investigation.
7. Prepare and distribute confidential investigation reports to Level 2.
8. Report to Board of Educational Examiners, if appropriate.

e. Investigating Allegations of Abuse of Students by School Employees--Level 2:

The purpose of a Level 2 investigation is to determine, from a preponderance of evidence, whether the alleged activities did, in fact, take place and whether they rise to the level of abuse. The superintendent will recommend to the board an individual or firm with professional expertise to conduct Level 2 investigations.

f. Responsibilities of Level 2 Investigators:

1. Determine if the alleged incident occurred, and whether it constitutes abuse as defined herein.
2. Determine if the exceptions in rule 102.4 are applicable.

3. Investigate and note any evidence of child abuse.
4. Recommend need for further investigation and for providing for the safety of the student to the superintendent.
5. Prepare a report of conclusions.
6. Deliver the report to the superintendent or his designee.
7. Refer to law enforcement if necessary.

g. Proposed Actions:

1. Submit the issue and proposed policy to the Board Policy Committee for final drafting and adoption.
2. Identify two school employees to serve as Level 1 investigator and alternate and inform the board. Publish the proper notifications of the names of the investigator and alternate.
3. Identify an individual (non-employee) or agency to serve as a Level 2 investigator.
4. Using the procedure above as a guide along with Chapter 102 of the Department of Education Rules, develop a detailed procedure to be included in the Personnel Handbook.

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