

Code No. 407.4

and be witnessed by another party other than the principal or the superintendent. Applications made after the date set by the board for the return of the employee's contract to the board may be considered by the board if special circumstances exist. It shall be within the discretion of the board to determine whether special circumstances exist.

Board action to approve a licensed employee's application for retirement shall be final and such action constitutes non-renewal of the employee's contract for the next school year.

Licensed employees who retire under this policy may qualify for retirement benefits through the Iowa Public Employees Retirement System.

Licensed employees and their spouse and dependents shall be allowed to continue coverage in the school district's group health insurance program at their own expense by meeting the requirements of the insurer.

Legal Reference: Iowa Code §§ 97B; 216; 279.46 (2011).

LICENSED EMPLOYEE SUSPENSION

Licensed employees will perform their assigned job, respect and follow board policy and obey the law. The superintendent is authorized to suspend a licensed employee pending board action on a discharge, for investigation of charges against the employee, and for disciplinary purposes. It is within the discretion of the superintendent to suspend a licensed employee with or without pay.

In the event of a suspension, appropriate due process will be followed.

581 I.A.C. 21.

1978 Op. Att'y Gen. 247.

1974 Op. Att'y Gen. 11, 322

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Legal Reference: Northeast Community Education Association v. Northeast Community School District, 402 N.W.2d765 (Iowa 1987).
McFarland v. Board of Education of Norwalk Community School District,277 N.W.2d 901 (Iowa 1979).
Iowa Code §§ 20.7, .24; 279.13, .15-.19, .27 (2011).

Cross Reference: 404 Employee Conduct and Appearance
407 Licensed Employee Termination of Employment

Approved: 12-12-19

Reviewed: 12-09-19

Revised:

and/or

administrator. o

- b. The last 10 years of service prior to retirement shall be consecutive service to the Keota Community School District. Board approved leave shall not be considered an interruption when calculating consecutive service.

Licensed Employee Early Separation The Board of Education of the Keota Community School District may deem it appropriate to provide an early retirement incentive to licensed employees of extended tenure who opt to separate from the district pursuant to this program. The purpose of this program is to provide the district's employees with the option and opportunity for early separation from their employment with the district. This early separation program is designed to show the district's appreciation for the services an employee has rendered to the district and to aid the employee in his or her transition from public service to retirement.

The board has the option to review the feasibility of this program annually. By December 1 of each year, the board will determine the maximum number of employees who will be eligible to receive benefits under this policy's provisions at the end of the current contract year. The board's decision may take into consideration the district's financial needs, staffing considerations, student enrollment and possible contract savings.

1. Eligibility

- c. Submits an application to the superintendent for participation in the plan on or before January 15 of the year in which the licensed employee wishes to retire. Applications submitted after January 15 may be considered at the discretion of the board depending on the circumstances for the late application;
- d. Submits a written resignation. The resignation may be contingent upon approval by the board of participation in the voluntary early retirement plan; and,
- e. Receives board approval of the licensed employee's application for participation in the early retirement plan, of the licensed employee's resignation and of the disbursement of the early retirement incentive to the licensed employee.

Employees will not qualify for this early separation program if:

- a. They are scheduled for layoff or staff reduction;
- b. They have received an official notice of layoff or termination;
- c. They are subject to termination pursuant to Iowa Code Sections §279.15, §279.24, §279.25 or §279.29; or
- d. They are on disability leave.

The school district offers an early retirement plan for full-time licensed employees. Full-time licensed employees are licensed employees who work 40 hours per week and who are currently performing their assigned duties within the school district. A licensed employee is eligible under the early retirement plan when the licensed employee:

- a. Has reached the age of 55 on or before June 30 of the year in which the licensed employee wishes to retire and has 20 years of total experience as a teacher

Approval by the board of the licensed employee's earlyretirement application shall constitute a voluntary resignation. Failure of the board to approve the licensed employee's early retirement application will make the licensed employee's current contract with theboard continue in full force and effect.

2. One lump sum payment

An employee, who applies, qualifies and is accepted for the Keota Community School District Early Separation Program shall receive the benefit as a one lump sum payment in January of the year following theretirement. The amount of the benefit will be determined prior to December 1 of the current contract year.

employee who elects to participate in the district's Early Separation Program, provided, however, that at the sole discretion of the Superintendent, the district may employ persons who elected to participate in the district's Early Separation Program as substitute teachers. Each employee who elects to participate in the district's Early Separation Program must specifically agree to hold the district harmless and indemnify it if the employee attempts to submit an employment application or otherwise attempts to be re-employed with the district. If an individual who elects to participate in the program is subsequently employed by the Keota Community School District as a full time employee (substitute teachers excluded) the benefits of the district's Early Separation Program shall immediately cease.

Legal Reference: 29 U.S.C. §§ 621 et seq.(2010).

3. Termination at Death

An employee's right to receive benefits under the Keota Community School District's Early Separation Program shall terminate on the death of the employee and neither his or her estate, heirs, successors or assigns shall be entitled to any further benefits under the Keota Community School District's Early Separation Program notwithstanding the fact the employee may not have received all of the benefits to which he or she would have been entitled had he or she lived

4. Additional Conditions

Senate File 2366, 77th General Assembly, 2nd Reg. Sess.(1998).
Iowa Code §§ 97B; 216;279.46; 509A.13 (2011).
581 I.A.C. 21.
1978 Op. Atty Gen. 247.
1974 Op. Att'y Gen. 11, 322.

Adopted: 12-12-19

Reviewed: 12-09-19

Revised:

The adoption of this program shall not vest any rights in any employee whether or not the employee is currently eligible for early separation. The board shall have the complete discretion to amend or repeal this program at any time when in the judgment of the board the district no longer realizes economic benefit from this program or otherwise determines that the program is not in the best interest of the district. Furthermore, the district shall not be obligated to provide any of the benefits to any employee after the date of such amendment or repeal, except to those employees whose early separation pursuant to this program has commenced prior to the amendment or repeal.

Employees who elect to participate in this program shall be eligible to be re-hired in any capacity with the Keota Community School District; however, the Keota Community School District shall not be required to accept an application for employment from an