

LICENSED EMPLOYEE RESIGNATION

A licensed employee who wishes to resign must notify the superintendent in writing within the time period set by the board for return of the contract. This applies to regular contracts for the licensed employee's regular duties and for an extracurricular contract for extra duty. Resignations of this nature will be accepted by the board.

The board may require an individual who has resigned from an extracurricular contract to accept the resigned position for only the subsequent school year when the board has made a good faith effort to find a replacement and the licensed employee is continuing to be employed by the school district.

Legal Reference: Iowa Code §§ 91A.2, .3, .5; 279.13, .19A (2005).

Cross Reference: 405.3 Licensed Employee Individual Contracts
405.4 Licensed Employee Continuing Contracts
407 Licensed Employee Termination of Employment

Approved:

Reviewed: 5/11, 2/13

Revised:

LICENSED EMPLOYEE CONTRACT RELEASE

Licensed employees who wish to be released from an executed contract must give at least twenty-one days notice to the superintendent. Licensed employees may be released at the discretion of the board. Only in unusual and extreme circumstances will the board release a licensed employee from a contract. The board will have sole discretion to determine what constitutes unusual and extreme circumstances.

Release from a contract will be contingent upon finding a suitable replacement. Licensed employees requesting release from a contract after it has been signed and before it expires may be required to pay up to \$750 for expenses incurred to locate and hire a suitable replacement. Upon written mutual agreement between the employee and the superintendent, the costs may be deducted from the employee's salary. Payment of these costs is a condition for release from the contract at the discretion of the board. Failure of the licensed employee to pay these expenses may result in a cause of action being filed in small claims court.

The superintendent is authorized to file a complaint with the Board of Educational Examiners against a licensed employee who leaves without proper release from the board.

Legal Reference: Iowa Code §§ 216; 272; 279.13, .19A, .46 (2005).
1978 Op. Att'y Gen. 247.
1974 Op. Att'y Gen. 11, 322.

Cross Reference: 405.3 Licensed Employee Individual Contracts
405.4 Licensed Employee Continuing Contracts
407.3 Licensed Employee Retirement

Approved:

Reviewed: 5/11, 2/13

Revised:

LICENSED EMPLOYEE RETIREMENT

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

Application for retirement will be considered made when the licensed employee states in writing to the superintendent, no later than the date set by the board for the return of the employee's contract to the board, the intent of the employee to retire. The letter must state the employee's desire to retire and be witnessed by another party other than the principal or the superintendent. Applications made after the date set by the board for the return of the employee's contract to the board may be considered by the board if special circumstances exist. It is within the discretion of the board to determine whether special circumstances exist.

Board action to approve a licensed employee's application for retirement is final and such action constitutes nonrenewal 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 are 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 (2005).
581 I.A.C. 21.
1978 Op. Att'y Gen. 247.
1974 Op. Att'y Gen. 11, 322.

Cross Reference: 401.14 Recognition for Service of Employees
407.6 Licensed Employee Early Retirement

Approved:

Reviewed: 5/11, 2/13

Revised:

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.

Legal Reference: Northeast Community Education Association v. Northeast Community School District, 402 N.W.2d 765 (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 (2005).

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

Approved:

Reviewed: 5/11, 2/13

Revised:

LICENSED EMPLOYEE REDUCTION IN FORCE

The board has the exclusive authority to determine the appropriate number of licensed employees. A reduction of licensed employees may occur as a result of, but not be limited to, changes in the education program, staff realignment, changes in the size or nature of the student population, financial situation considerations, and other reasons deemed relevant by the board.

The reduction in licensed employees, other than administrators, will be done through normal attrition if possible. If normal attrition does not meet the necessary reduction in force required, the board may terminate licensed employees.

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

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

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

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

Legal Reference: Iowa Code §§ 20.7, .24; 279.13, .15-.19, .27 (2005).

Cross Reference: 407.5 Licensed Employee Suspension
413.6 Classified Employee Reduction in Force
703 Budget

Approved:

Reviewed: 5/11, 2/13

Revised:

LICENSED EMPLOYEE EARLY RETIREMENT INCENTIVE

The board offers an early retirement plan for full-time employees working at least thirty (30) hours per week and currently performing their assigned duties within the school district. The early retirement incentives will be pro-rated according to the amount of time worked (ex-30 hour employee works three-fourths of a 40 hour week so receives three-fourths of the incentive). A licensed employee is eligible under the early retirement incentive plan when the licensed employee:

- Is at least fifty-five (55) years of age by June 30 of the year in which the licensed employee chooses to retire.
- Completes at least twenty (20) years of service as a licensed employee in one or any combination of the following: Sac Community School District, Wall Lake View Auburn Community School District, Wall Lake Community School District, Lake View Auburn Community School District and/or East Sac County Schools.
- Submits a written application to the superintendent on a form provided by the board for participation in the early retirement incentive plan on or before the last day of the 1st semester of the year prior to the year in which the licensed employee chooses to retire.
- Submits a written resignation to the board secretary on or before the last day of the 1st semester of the year prior to the year in which the licensed employee chooses to retire, with an effective date which shall be the end of the contract year for the employee in the year in which the licensed employee chooses to retire. The licensed employee must also agree to waive any potential claims and release the school district of any potential liability on a form provided by the board. The resignation and employee's participation in the early retirement incentive plan is contingent upon approval by the board.
- Receives board approval of the licensed employee's application for participation in the early retirement incentive plan; of the licensed employee's resignation; and of the disbursement of early retirement incentives to the licensed employee.

The board expressly reserves the right to determine how many and which employees will be granted early retirement incentives, and the right to reject any application for early retirement incentives. Approval by the board of the licensed employee's application for participation in the early retirement plan and voluntary resignation shall make the employee eligible for early retirement incentives to be disbursed in the last payroll period of the year in which the licensed employee chooses to retire or a later date mutually agreed upon at the discretion of the retiree and superintendent. Failure of the board to approve the licensed employee's early retirement application and/or resignation shall make the licensed employee's employment contract(s) with the board continue in full force and effect unless the employee otherwise resigns or is terminated.

The early retirement incentive for each eligible licensed employee approved by the board shall be \$15,000, payable as follows: one payment in June of retiring year.

Upon retirement, the licensed employee shall be eligible to continue participation in the school district's group health insurance plan at the licensed employee's expense in accordance with Iowa Code chapter 509A. Nothing herein shall limit the school district's ability from time to time to change the terms of its existing health insurance plan.

LICENSED EMPLOYEE EARLY RETIREMENT INCENTIVE

The board has complete discretion to offer or not to offer an early retirement plan for licensed employees. Should any portion of this policy be in conflict with state or federal rules, regulations, or laws, that portion of the policy shall be invalid and all other portions of the policy shall remain in full force and effect. Any decision by the board to waive a requirement or condition, which is a part of this policy, shall not establish any precedent with regard to future requests for a waiver. The board reserves the right to amend or revoke this policy or any provisions of this policy at any time, with or without notice.

Legal Reference: Iowa Code section 279.46, 509A.13

Approved: 9/08

Reviewed: 5/11, 2/13

Revised: _____

EAST SAC COUNTY COMMUNITY SCHOOL DISTRICT

TO: Superintendent of Schools

FROM: _____ (Full legal name)

_____ (Current job title)

_____ (Years and locations of service –
attach additional sheet if necessary)

_____ (Date of birth)

RE: Application for Participation in the
Early Retirement Plan

I hereby submit my formal application for participation in the East Sac County Community School District’s early retirement plan.

My resignation from my contracts with the East Sac County Community School District is attached and is made a part of this application. It is my understanding that this application and the request for approval of resignation will be acted upon by the Board of Directors. Failure of the board to approve my application and/or resignation shall make my employment contracts with the board continue in full force and effect unless I otherwise resign or am terminated.

I acknowledge receipt of the District’s early retirement plan policy, and I acknowledge that my application and participation is entirely voluntary.

I also acknowledge that the District recommends I contact my personal legal counsel and accountant regarding participation in the early retirement plan.

Designated beneficiary of early retirement benefit: _____

Relationship: _____

Signature _____ Date _____

Witness _____ Date _____

EAST SAC COUNTY COMMUNITY SCHOOL DISTRICT

TO: Board Secretary

FROM: _____

RE: Resignation from Contract(s)

I hereby submit my resignation from all of my contracts with the East Sac County Community School District effective at the end of this contract year for my contracts, to participate in the District's early retirement plan.

It is my understanding that this request for approval of resignation and my application for participation in the early retirement plan will be acted upon by the East Sac County Community School District Board of Directors.

It is my further understanding that should my application for participation in the early retirement plan be denied, this request for approval of resignation would become null and void. Failure of the board to approve my early retirement application and/or resignation shall make my employment contracts with the board continue in full force and effect unless I otherwise resign or am terminated.

Further comments:

Signature _____ Date _____

RELEASE

East Sac County Community School District (the "School District") and _____
(the "Employee") agree as follows:

1. In consideration of the benefits to be provided to him/her in accordance with the Licensed Employee Early Retirement Policy, the Employee will resign effective at the end of the contract year for the employee in the year in which the licensed employee chooses to retire, which is June 30 of the current school year.
2. The Employee is advised that he/she has the right to consult with an attorney prior to signing this Agreement.
3. The Employee acknowledges that he/she has received a copy of this Agreement on _____, 20__ and that he/she was given up to at least twenty-one (21) days to consider this Agreement.
4. Following the date of the signing of this Agreement, the Employee shall have seven (7) days to revoke the Agreement, and this Agreement shall not be effective until this seven (7) day period has expired.
5. The Employee hereby releases and discharges the Board of Directors of the School District, and any and all officers, employees, representatives, or agents of the School District from any and all liability whatsoever including all claims, demands, or causes of action which he/she has or may ever claim to have by reason of his/her employment with the School District and the termination of his/her employment relationships with the School District, and the Employee specifically waives any rights or claims which he/she may have or ever claim to have arising under the Age Discrimination in Employment Act of 1967 (29 U.S.C. Sec 621, et seq.), excluding any claims which may arise after the date of the signing of this Agreement.
6. The Employee agrees that this Agreement is entered into freely and voluntarily and solely in reliance upon his/her own knowledge, belief, and judgment and not upon representations made by the School District or others on its behalf.

School District

Employee

By: _____

Date: _____

Date: _____