

14 imposed upon students, faculty and staff for violation of the rules, including, but  
 15 not limited to, a reasonable monetary sanction which may be deducted from  
 16 student deposits and faculty or staff salaries or other funds in the possession of  
 17 the institution, or added to student tuition bills. The rules made pursuant to this  
 18 section may also be enforced by the impoundment of vehicles *and bicycles* parked  
 19 in violation of the rules, and a reasonable fee may be charged for the cost of  
 20 impoundment and storage, prior to the release of the vehicles *and bicycles* to their  
 21 owners. Each institution under the control of the board shall establish procedures  
 22 for the determination of controversies in connection with imposition of sanctions.  
 23 The procedures shall require giving notice of the violation and the sanction  
 24 involved and provide an opportunity for an administrative hearing. Judicial  
 25 review of the administrative ruling may be sought in accordance with the terms of  
 26 the Iowa administrative procedure Act.

Approved March 23, 1976

## CHAPTER 1149

### SCHOOL ADMINISTRATORS

H. F. 1582

AN ACT relating to the issuance, continuance, and termination of contracts of school administrators.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Chapter two hundred seventy-two A (272A), Code 1975, is  
 2 amended by adding the following new section:

3 NEW SECTION. **Appointment of hearing officers.** The commission shall  
 4 maintain a list of qualified persons to serve as hearing officers who are  
 5 experienced in the educational system of this state when a hearing is requested  
 6 under the provisions of section five (5) of this Act. When requested under the  
 7 provisions of section five (5) of this Act, the commission shall submit a list of five  
 8 qualified hearing officers to the parties. The hearing shall be held pursuant to the  
 9 provisions of chapter seventeen A (17A) of the Code relating to contested cases.  
 10 The full costs of the hearing shall be shared equally by the parties. A person who  
 11 is employed as a teacher or administrator by a school district shall not be eligible  
 12 to serve as a hearing officer.

1 SEC. 2. Section two hundred seventy-three point three (273.3), subsection  
 2 twelve (12), Code 1975, is amended to read as follows:

3 12. Employ such personnel as may be required, if any, to carry out the  
 4 functions of the area education agency which may include the employment of an  
 5 administrator who shall possess a superintendent's certificate issued under the  
 6 provisions of section 260.9. The administrator shall be employed pursuant to the  
 7 provisions of section 279.14 *and the provisions of sections four (4), five (5), and six*  
 8 *(6) of this Act.* The salary range for an area education agency administrator shall  
 9 be from seventeen thousand dollars to twenty-seven thousand five hundred  
 10 dollars per annum, including additional benefits, over and above the additional  
 11 benefits given all full-time employees. The provisions of section 279.13 shall apply  
 12 to the area education agency board and to all ~~certificated school employees of~~  
 13 *teachers employed by the area education agency. The provisions of sections four (4),*  
 14 *five (5), and six (6) of this Act shall apply to the area education board and to all*  
 15 *administrators employed by the area education agency.*

1 SEC. 3. Chapter two hundred seventy-nine (279), Code 1975, is amended by  
2 adding sections four (4) through six (6) of this Act.

1 SEC. 4. NEW SECTION. **Continuing contract for administrators.** Contracts  
2 with administrators shall be in writing and shall contain all of the following:

3 1. The term of employment.

4 2. The length of time during the school year services are to be performed.

5 3. The compensation per week of five consecutive days or month of four  
6 consecutive weeks.

7 4. A statement that the contract is invalid if the administrator is under contract  
8 with another board of directors in this state covering the same period of time,  
9 until such contract shall have been released or terminated by its provisions.

10 5. Such other matters as may be agreed upon.

11 The contract shall be signed by the president and the administrator and shall  
12 be filed with the secretary of the board before the administrator enters upon  
13 performance of the contract. A contract shall not be tendered by an employing  
14 board to an administrator under its jurisdiction prior to March fifteenth. A  
15 contract shall not be required to be signed by the administrator and returned to  
16 the board in less than twenty-one days after being tendered.

17 An administrator's contract shall be governed by the provisions of this section  
18 and sections five (5) and six (6) of this Act and not by section two hundred  
19 seventy-nine point thirteen (279.13) of the Code. For purposes of this section and  
20 sections five (5) and six (6) of this Act, the term "administrator" includes school  
21 superintendents, assistant superintendents, educational directors, principals,  
22 assistant principals, and other certificated school supervisors as defined under the  
23 provisions of section twenty point four (20.4) of the Code.

1 SEC. 5. NEW SECTION. **Contract with administrators—automatic continuation  
2 or termination.** An administrator's contract shall remain in force and effect for  
3 the period stated in the contract. The contract shall be automatically continued in  
4 force and effect for one year beyond the end of its term, except as modified or  
5 terminated by mutual agreement of the board of directors and the administrator,  
6 or until terminated as hereinafter provided.

7 An administrator may file his or her written resignation with the secretary of  
8 the board on or before May first of each year or the date specified by the board  
9 for return of the contract, whichever date occurs first.

10 Administrators employed in a school district for less than two consecutive  
11 years are probationary administrators. However, a board may waive the  
12 probationary period for any administrator who has previously served a  
13 probationary period in another school district and the board may extend the  
14 probationary period for an additional year with the consent of the administrator.  
15 If a board determines that it should terminate a probationary administrator's  
16 contract, the board shall notify the administrator not later than March thirty-first  
17 that the contract will not be renewed beyond the current year. The notice shall be  
18 in writing by letter, personally delivered, or mailed by certified mail. The  
19 notification shall be complete when received by the administrator. Within ten  
20 days after receiving the notice, the administrator may request a private conference  
21 with the board to discuss the reasons for termination. The board's decision to  
22 terminate a probationary administrator's contract shall be final unless the  
23 termination was based upon an alleged violation of a constitutionally guaranteed  
24 right of the administrator.

25 The board may, by majority vote of the membership of the board, cause the  
26 contract of an administrator to be terminated. If the board determines that it  
27 should consider the termination of a nonprobationary administrator's contract,  
28 the following procedure shall apply:

29 On or before March thirty-first, the administrator shall be notified in writing  
30 by a letter personally delivered or mailed by certified mail that the board has  
31 voted to consider termination of the contract. The notification shall be complete

32 when received by the administrator.

33 The notice shall state the specific reasons to be used by the board for  
34 considering termination which for all administrators except superintendents shall  
35 be for just cause.

36 Within five days after receipt of the written notice that the board has voted to  
37 consider termination of the contract, the administrator may request in writing to  
38 the secretary of the board that the notification be forwarded to the professional  
39 teaching practices commission along with a request that the professional teaching  
40 practices commission submit a list of five qualified hearing officers to the parties.  
41 Within three days from receipt of the list the parties shall select a hearing officer  
42 by alternatively removing a name from the list until only one name remains. The  
43 person whose name remains shall be the hearing officer. The parties shall  
44 determine by lot which party shall remove the first name from the list. The  
45 hearing shall be held no sooner than ten days and not later than thirty days  
46 following the administrator's request unless the parties otherwise agree. If the  
47 administrator does not request a hearing, the board, not later than April fifteenth,  
48 may determine the continuance or discontinuance of the contract. Board action  
49 shall be by majority roll call vote entered on the minutes of the meeting. Notice  
50 of board action shall be personally delivered or mailed to the administrator.

51 The hearing officer selected shall notify the secretary of the board and the  
52 administrator in writing concerning the date, time, and location of the hearing.  
53 The board may be represented by a legal representative, if any, and the  
54 administrator shall appear and may be represented by counsel or by  
55 representative, if any. A transcript or recording shall be made of the proceedings  
56 at the hearing. No school board member or administrator shall be liable for any  
57 damage to any administrator or board member if any statement made at the  
58 hearing is determined to be erroneous as long as the statement was made in good  
59 faith.

60 The hearing officer shall, within ten days following the date of the hearing,  
61 make a proposed decision as to whether or not the administrator should be  
62 dismissed, and shall give a copy of the proposed decision to the administrator and  
63 the school board. Findings of fact shall be prepared by the hearing officer. The  
64 proposed decision of the hearing officer shall become the final decision of the  
65 board unless within ten days after the filing of the decision the administrator files  
66 a written notice of appeal with the board, or the board on its own motion  
67 determines to review the decision.

68 If the administrator appeals to the board, or if the board determines on its own  
69 motion to review the proposed decision of the hearing officer, a private hearing  
70 shall be held before the board within five days after the petition for review, or  
71 motion for review, has been made or at such other time as the parties may agree.  
72 The private hearing shall not be subject to the provisions of chapter twenty-eight  
73 A (28A) of the Code. The board may hear the case de novo upon the record as  
74 submitted before the hearing officer. In cases where there is an appeal from a  
75 proposed decision or where a proposed decision is reviewed on motion of the  
76 board, an opportunity shall be afforded to each party to file exceptions, present  
77 briefs and present oral arguments to the board which is to render the final  
78 decision. The secretary of the board shall give the administrator written notice of  
79 the time, place, and date of the hearing. The board shall meet within five days  
80 after the hearing to determine the question of continuance or discontinuance of  
81 the contract. The board shall make findings of fact which shall be based solely on  
82 the evidence in the record and on matters officially noticed in the record.

83 The decision of the board shall be in writing and shall include findings of fact  
84 and conclusions of law, separately stated. Findings of fact, if set forth in statutory  
85 language, shall be accompanied by a concise and explicit statement of the  
86 underlying facts and supporting the findings. Each conclusion of law shall be  
87 supported by cited authority or by reasoned opinion.

88 When the board has reached a decision, opinion, or conclusion, it shall  
 89 convene in open meeting and by roll call vote determine the continuance or  
 90 discontinuance of the administrator's contract. The record of the private  
 91 conference and findings of fact and exceptions shall be exempt from the  
 92 provisions of chapter sixty-eight A (68A) of the Code. The secretary of the board  
 93 shall immediately personally deliver or mail notice of the board's action to the  
 94 administrator.

95 The administrator may within thirty days after notification by the board of  
 96 discontinuance of the contract appeal to the district court of the county in which  
 97 the administrative office of the school district is located.

98 The court may affirm the board action. The court shall reverse, modify, or  
 99 grant any other appropriate relief from the board action, equitable or legal, and  
 100 including declaratory relief, if substantial rights of the administrator have been  
 101 prejudiced because the board action is:

102 1. In violation of constitutional or statutory provisions.

103 2. In excess of the statutory authority of the board.

104 3. In violation of board policy or rule.

105 4. Made upon unlawful procedure.

106 5. Affected by other error of law.

107 6. Is unsupported by substantial evidence in the record made before the board  
 108 when that record is reviewed as a whole.

109 7. Unreasonable, arbitrary, or capricious, or characterized by an abuse of  
 110 discretion or clearly unwarranted exercise of discretion.

1 SEC. 6. NEW SECTION. **Discharge of administrator.** An administrator may  
 2 be discharged at any time during the contract year for just cause. The  
 3 administrator shall be notified in writing that the board has voted to consider  
 4 termination of the administrator's contract and the applicable procedures of  
 5 section five (5) of this Act shall apply.

Approved June 23, 1976

## CHAPTER 1150

### EDUCATIONAL LEAVE

H. F. 1581

AN ACT relating to educational leaves of absence for school employees.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section two hundred seventy-nine point twelve (279.12), Code  
 2 1975, is amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The board may approve a policy for  
 4 educational leave for certificated school employees and for reimbursement for  
 5 tuition paid by certificated school employees for courses approved by the board.  
 6 For the purpose of this section "educational leave" means a leave granted to an  
 7 employee for the purpose of study including study in areas outside of a teacher's  
 8 area of specialization, travel, or other reasons deemed by the board to be of value  
 9 to the school system.

Approved June 23, 1976