

FILED FEB 10 1972

Schools 2/11/72

SENATE FILE 1135

By ROBINSON and GROSS

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the termination of contracts with school
2 teachers.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred seventy-nine point thir-
2 teen (279.13), unnumbered paragraph three (3), Code 1971,
3 is amended to read as follows:

4 Said contract shall remain in force and effect for the
5 period stated in the contract and thereafter shall be auto-
6 matically continued in force and effect for equivalent pe-
7 riods, except as modified or terminated by mutual agreement
8 of the board of directors and the teacher, until terminated
9 as hereinafter provided, however, no contract shall be ten-
10 dered by the employing board to a teacher under its juris-
11 diction prior to March 1, nor be required to be signed by
12 the teacher and returned to the board in less than twenty-
13 one days after being tendered. On or before April 15, of
14 each year the teacher may file his written resignation with
15 the secretary of the board of directors, or the board may
16 by a majority vote of the elected membership of the board,
17 cause said contract to be terminated by written notification
18 of termination, by a certified letter mailed to the teacher
19 not later than the tenth day of April; provided, however,
20 that at least ten days prior to mailing of any notice of
21 termination the board or its agent shall inform the teacher
22 in writing that (1) the board is considering termination of
23 said contract ~~and that~~ (2) there are specific grounds for
24 terminating the contract, which grounds shall be limited to
25 insubordination, immoral character, conduct unbecoming a
26 teacher, inefficiency, incompetency, physical or mental
27 disability or neglect of duty and that (3) the teacher shall
28 have the right to a ~~private-conference-with-the-board~~ public
29 hearing, with the right of counsel, if the teacher files a
30 request therefor with the president or secretary of the board
31 within five days, ~~and if~~ . If within five days after receipt
32 by the teacher of such written information the teacher files
33 with the president or secretary of the board a written request
34 for a ~~conference-and-a-written-statement-of-specific-reasons~~
35 ~~for-considering-termination~~ hearing, the board shall, before

1 any notice of termination is mailed, give the teacher written
2 notice of the time and place of such conference and at the
3 request of the teacher, a written statement of specific reasons
4 for considering termination; hearing and shall hold a private
5 conference between the board and teacher and his representative
6 public hearing if the teacher appears at such time and place
7 either alone or with representation. No school board member
8 shall be liable for any damages to any teacher if any such
9 statement is determined to be erroneous as long as such
10 statement was made in good faith; -- in event of such
11 termination, it shall take effect at the close of the school
12 year in which the contract is terminated by either of said
13 methods; -- The teacher shall have the right to protest the
14 action of the board, and to a hearing thereon, by notifying
15 the president or secretary of the board in writing of such
16 protest within twenty days of the receipt by him of the notice
17 to terminate, in which event the board shall hold a public
18 hearing on such protest at the next regular meeting of the
19 board, or at a special meeting called by the president of
20 the board for that purpose, and shall give notice in writing
21 to the teacher of the time of the hearing on the protest.
22 Upon the conclusion of the hearing the board shall determine
23 the question of continuance or discontinuance of the contract
24 by a roll call vote entered in the minutes of the board, and
25 the action of the board shall be final; If the board does
26 not notify the teacher by April tenth, the board must grant
27 to the teacher all general increases in salary granted to
28 those in the teacher's classification in the school system.
29 At the hearing and at all hearings provided for by this
30 section, the teacher shall have the right to confront all
31 witnesses upon whose evidence the board took action. If no
32 witnesses appear, the board shall furnish to the teacher a
33 list of witnesses and, if requested by the teacher, the board
34 shall subpoena such witnesses. At the close of the hearing,
35 the board shall render a written decision and a copy shall

1 be furnished to the teacher. If the board decides to terminate
2 the contract, it shall specify the date of termination in
3 the decision, however, the date of termination shall not be
4 before the date the board notifies the teacher of its decision.
5 If the teacher is dissatisfied with the decision of the board
6 the teacher may appeal to the district court of the county
7 where employed. The appeal trial shall be by trial de novo
8 of all matters of law and fact. The appeal in such cases
9 shall be perfected by filing with the clerk of the court
10 within thirty days after the date of the board's decision,
11 a petition setting forth the ground for the appeal. The rules
12 of civil procedure governing original notice in civil matters
13 shall apply and pleadings shall conform to the practice in
14 other civil proceedings. If the district court, sitting
15 without a jury, finds a dismissal to not be in accord with
16 statutes governing the dismissal of teachers, or that the
17 facts do not substantiate the dismissal, the teacher shall
18 be reinstated without loss of pay or status in the position
19 held immediately before his dismissal by the board. If the
20 district court upholds the teacher in his position, the court
21 shall award the teacher all reasonable expenses incurred by
22 the teacher which shall be paid by the board. The foregoing
23 provisions for termination shall not affect the power of the
24 board of directors to discharge a teacher for cause under
25 the provisions of section 279.24. ~~The term "teacher" as used~~
26 ~~in this section shall include all certificated school~~
27 ~~employees, including superintendents.~~

28 Sec. 2. Section two hundred seventy-nine point twenty-
29 four (279.24), Code 1971, is amended to read as follows:
30 279.24 DISCHARGE OF TEACHER. The board may, by a majority
31 vote, discharge any teacher for incompetency incompetency,
32 inattention to duty, partiality, or any good cause, after
33 a full and fair investigation made at a meeting of the board
34 held for that purpose, ~~at which the teacher shall be permitted~~
35 ~~to be present and make defense, allowing him a reasonable~~

1 ~~time-therefor~~ and according to the provisions for termination
2 of a teacher's contract in section 279.13.

3 EXPLANATION

4 The purpose of this bill is to clarify the procedures fol-
5 lowed in the termination of a teacher's contract. Specific
6 grounds for termination of the contract are enumerated and
7 the teacher's right to appeal the decision of the board is
8 established.

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