

House Amendment 8164

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1 1 Amend House File 2645 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <DIVISION I
1 5 PUBLIC EMPLOYEE COLLECTIVE BARGAINING>
1 6 #2. Page 1, by inserting after line 32 the
1 7 following:
1 8 <Sec. _____. Section 20.9, Code 2007, is amended to
1 9 read as follows:
1 10 20.9 SCOPE OF NEGOTIATIONS.
1 11 1. The public employer and the employee
1 12 organization shall meet at reasonable times, including
1 13 meetings reasonably in advance of the public
1 14 employer's budget-making process, to negotiate in good
1 15 faith with respect to but not limited to the
1 16 following:
1 17 a. ~~wages,~~ Wages.
1 18 b. ~~hours,~~ Hours, including the establishment of
1 19 work shifts and schedules and procedures and criteria
1 20 for assigning work shifts and schedules.
1 21 c. ~~vacations,~~ Vacations.
1 22 d. ~~insurance,~~ Insurance, including the
1 23 determination of the health insurance carrier.
1 24 e. ~~holidays,~~ Holidays.
1 25 f. ~~leaves~~ Leaves of absence, including cash
1 26 payments for accumulated leave.
1 27 g. ~~shift~~ Shift differentials~~7.~~
1 28 h. ~~overtime~~ Overtime compensation~~7.~~
1 29 i. ~~supplemental~~ Supplemental pay, including
1 30 payments and benefits which are other than wages and
1 31 are not paid as compensation for or conditioned upon
1 32 the employees' performance of services in addition to
1 33 their regular services to the public employer.
1 34 j. ~~seniority,~~ Seniority.
1 35 k. ~~transfer~~ Transfer procedures~~7.~~
1 36 l. ~~job~~ Job classifications~~7.~~
1 37 m. ~~health~~ Health and safety matters~~7.~~
1 38 n. ~~evaluation~~ Evaluation procedures, including the
1 39 frequency of evaluations, the method of evaluation,
1 40 evaluation forms and other evaluation instruments,
1 41 evaluation criteria, the purposes for and use of
1 42 evaluations, and remedial and employee performances
1 43 improvement plans and procedures.
1 44 o. ~~procedures~~ Procedures for staff reduction~~7.~~
1 45 p. ~~in-service~~ In-service training and other
1 46 matters mutually agreed upon.
1 47 q. ~~Preparation~~ Preparation time.
1 48 r. ~~Class~~ Class size.
1 49 s. ~~Discipline~~ Discipline and discharge, including grounds for
1 50 discharge and imposition of other discipline, levels
2 1 and types of disciplinary measures, and procedures for
2 2 resolving disputes.
2 3 t. ~~Work~~ Work uniforms and equipment and other required
2 4 work clothing and equipment, including allowances for
2 5 uniforms and equipment and other required work
2 6 clothing and equipment.
2 7 u. ~~Staffing~~ Staffing levels.
2 8 v. ~~Retirement~~ Retirement systems not excluded from
2 9 negotiations pursuant to subsection 4.
2 10 w. ~~Other~~ Other terms and conditions of employment except
2 11 as provided in subsection 4.
2 12 2. Negotiations shall also include terms
2 13 authorizing dues checkoff for members of the employee
2 14 organization and grievance procedures for resolving
2 15 any questions arising under the agreement, which shall
2 16 be embodied in a written agreement and signed by the
2 17 parties. If an agreement provides for dues checkoff,
2 18 a member's dues may be checked off only upon the
2 19 member's written request and the member may terminate
2 20 the dues checkoff at any time by giving thirty days'
2 21 written notice. Such obligation to negotiate in good
2 22 faith does not compel either party to agree to a
2 23 proposal or make a concession.
2 24 3. Nothing in this section shall diminish the

2 25 authority and power of the department of
2 26 administrative services, board of regents' merit
2 27 system, Iowa public broadcasting board's merit system,
2 28 or any civil service commission established by
2 29 constitutional provision, statute, charter or special
2 30 act to recruit employees, prepare, conduct and grade
2 31 examinations, rate candidates in order of their
2 32 relative scores for certification for appointment or
2 33 promotion or for other matters of classification,
2 34 reclassification or appeal rights in the classified
2 35 service of the public employer served.

2 36 ~~4. All retirement systems~~ The following shall be
2 37 excluded from the scope of negotiations:-:

2 38 a. All retirement systems established by statute
2 39 except for pension and annuity retirement systems
2 40 established under chapter 412 and except for
2 41 supplemental and additional retirement benefits
2 42 including severance payments, cash payments based on
2 43 accumulated or unused leave time, and insurance for
2 44 retired employees.

2 45 b. Discharge for teachers who are employed
2 46 pursuant to chapter 279. For purposes of this
2 47 paragraph, discharge does not include procedures and
2 48 criteria for staff reduction.

2 49 #3. Page 9, by striking lines 23 through 30 and
2 50 inserting the following:

3 1 <Sec. _____. Section 20.19, Code 2007, is amended to
3 2 read as follows:

3 3 20.19 IMPASSE PROCEDURES == AGREEMENT OF PARTIES.

3 4 1. As the first step in the performance of their
3 5 duty to bargain, the public employer and the employee
3 6 organization shall endeavor to agree upon impasse
3 7 procedures. Such agreement shall provide for
3 8 implementation of these impasse procedures not later
3 9 than one hundred twenty days prior to the certified
3 10 budget submission date of the public employer.

3 11 However, if public employees represented by the
3 12 employee organization are teachers licensed under
3 13 chapter 272, and the public employer is a school
3 14 district or area education agency, the agreement shall
3 15 provide for implementation of impasse procedures not
3 16 later than one hundred twenty days prior to May 31 of
3 17 the year when the collective bargaining agreement is
3 18 to become effective. If the public employer is a
3 19 community college, the agreement shall provide for
3 20 implementation of impasse procedures not later than
3 21 one hundred twenty days prior to May 31 of the year
3 22 when the collective bargaining agreement is to become
3 23 effective. If the public employer is not subject to

3 24 the budget certification requirements of section 24.17

3 25 and other applicable sections of the Code, the

3 26 agreement shall provide for implementation of impasse

3 27 procedures not later than one hundred twenty days

3 28 prior to a date agreed upon by the public employer and

3 29 the employee organization or, if no date is agreed

3 30 upon, May 31 of the year when the collective

3 31 bargaining agreement is to be effective. If the

3 32 parties fail to agree upon impasse procedures under

3 33 the provisions of this section, the impasse procedures

3 34 provided in sections 20.20 to 20.22 shall apply.

3 35 2. Parties who by agreement are utilizing a

3 36 cooperative alternative bargaining process shall, at

3 37 the outset of such process, agree upon a method and

3 38 schedule for the completion of impasse procedures

3 39 should they fail to reach a collective bargaining

3 40 agreement through the use of such alternative

3 41 bargaining process.

3 42 Sec. _____. Section 20.20, Code 2007, is amended to

3 43 read as follows:

3 44 20.20 MEDIATION.

3 45 In the absence of an impasse agreement negotiated

3 46 pursuant to section 20.19 or the failure of either

3 47 party to utilize its procedures, one hundred twenty

3 48 days prior to the certified budget submission date, or

3 49 one hundred twenty days prior to May 31 of the year

3 50 when the collective bargaining agreement is to become

4 1 effective if public employees represented by the

4 2 employee organization are teachers licensed under

4 3 chapter 272 and the public employer is a school

4 4 district or area education agency, the board shall,

4 5 upon the request of either party, appoint an impartial

4 6 and disinterested person to act as mediator. If the
4 7 public employer is a community college or is not
4 8 subject to the budget certification requirements of
4 9 section 24.17 and other applicable sections of the
4 10 Code, and in the absence of an impasse agreement
4 11 negotiated pursuant to section 20.19 or the failure of
4 12 either party to utilize its procedures, one hundred
4 13 twenty days prior to May 31 of the year when the
4 14 collective bargaining agreement is to become
4 15 effective, the board, upon the request of either
4 16 party, shall appoint an impartial and disinterested
4 17 person to act as mediator. It shall be the function
4 18 of the mediator to bring the parties together to
4 19 effectuate a settlement of the dispute, but the
4 20 mediator may not compel the parties to agree.>

4 21 #4. Page 13, by inserting after line 33 the
4 22 following:
4 23 <Sec. ____ Section 412.1, Code 2007, is amended to
4 24 read as follows:

4 25 412.1 AUTHORITY TO ESTABLISH SYSTEM.
4 26 The council, board of waterworks trustees, or other
4 27 board or commission, whichever is authorized by law to
4 28 manage and operate any municipally owned waterworks
4 29 system, or other municipally owned and operated public
4 30 utility, may establish a pension and annuity
4 31 retirement system for the employees of any such
4 32 waterworks system, or other municipally owned and
4 33 operated public utility. A pension and annuity
4 34 retirement system established pursuant to this chapter
4 35 shall not be considered a retirement system
4 36 established by statute for purposes of section 20.9
4 37 and shall not be excluded from the scope of
4 38 negotiations under section 20.9.>

4 39 #5. Page 13, by inserting after line 34 the
4 40 following:

4 41 <DIVISION II
4 42 TEACHER CONTRACTS AND DISCIPLINE
4 43 Sec. ____ Section 260C.39, unnumbered paragraph 3,
4 44 Code 2007, is amended to read as follows:
4 45 The terms of employment of personnel, for the
4 46 academic year following the effective date of the
4 47 agreement to combine the merged areas shall not be
4 48 affected by the combination of the merged areas,
4 49 except in accordance with the procedures under
4 50 sections 279.15 ~~to 279.18~~ through 279.16 and section
5 1 279.24, to the extent those procedures are applicable,
5 2 or under the terms of the base bargaining agreement.
5 3 The authority and responsibility to offer new
5 4 contracts or to continue, modify, or terminate
5 5 existing contracts pursuant to any applicable
5 6 procedures under chapter 279, shall be transferred to
5 7 the acting, and then to the new, board of the combined
5 8 merged area upon certification of a favorable vote to
5 9 each of the merged areas affected by the agreement.
5 10 The collective bargaining agreement of the merged area
5 11 receiving the greatest amount of general state aid
5 12 shall serve as the base agreement for the combined
5 13 merged area and the employees of the merged areas
5 14 which combined to form the new combined merged area
5 15 shall automatically be accreted to the bargaining unit
5 16 from that former merged area for purposes of
5 17 negotiating the contracts for the following years
5 18 without further action by the public employment
5 19 relations board. If only one collective bargaining
5 20 agreement is in effect among the merged areas which
5 21 are combining under this section, then that agreement
5 22 shall serve as the base agreement, and the employees
5 23 of the merged areas which are combining to form the
5 24 new combined merged area shall automatically be
5 25 accreted to the bargaining unit of that former merged
5 26 area for purposes of negotiating the contracts for the
5 27 following years without further action by the public
5 28 employment relations board. The board of the combined
5 29 merged area, using the base agreement as its existing
5 30 contract, shall bargain with the combined employees of
5 31 the merged areas that have agreed to combine for the
5 32 academic year beginning with the effective date of the
5 33 agreement to combine merged areas. The bargaining
5 34 shall be completed by March 15 prior to the academic
5 35 year in which the agreement to combine merged areas
5 36 becomes effective or within one hundred eighty days

5 37 after the organization of the acting board of the new
5 38 combined merged area, whichever is later. If a
5 39 bargaining agreement was already concluded in the
5 40 former merged area which has the collective bargaining
5 41 agreement that is serving as the base agreement for
5 42 the new combined merged area, between the former
5 43 merged area board and the employees of the former
5 44 merged area, that agreement is void, unless the
5 45 agreement contained multiyear provisions affecting
5 46 academic years subsequent to the effective date of the
5 47 agreement to form a combined merged area. If the base
5 48 collective bargaining agreement contains multiyear
5 49 provisions, the duration and effect of the agreement
5 50 shall be controlled by the terms of the agreement.
6 1 The provisions of the base agreement shall apply to
6 2 the offering of new contracts, or the continuation,
6 3 modification, or termination of existing contracts
6 4 between the acting or new board of the combined merged
6 5 area and the combined employees of the new combined
6 6 merged area.

6 7 Sec. _____. Section 273.22, subsection 1, Code 2007,
6 8 is amended to read as follows:

6 9 1. The terms of employment of the administrator
6 10 and staff of affected area education agencies for the
6 11 school year beginning with the effective date of the
6 12 formation of the new area education agency shall not
6 13 be affected by the formation of the new area education
6 14 agency, except in accordance with the provisions of
6 15 sections 279.15 through ~~279.18~~ 279.16, and 279.24, and
6 16 the authority and responsibility to offer new
6 17 contracts or to continue, modify, or terminate
6 18 existing contracts pursuant to sections 279.12,
6 19 279.13, 279.15 through 279.21, 279.23, and 279.24 for
6 20 the school year beginning with the effective date of
6 21 the reorganization shall be transferred from the
6 22 boards of the existing area education agencies to the
6 23 board of the new area education agency following
6 24 approval of the reorganization plan by the state board
6 25 as provided in section 273.21, subsection 4.

6 26 Sec. _____. Section 275.33, subsection 1, Code 2007,
6 27 is amended to read as follows:

6 28 1. The terms of employment of superintendents,
6 29 principals, and teachers, for the school year
6 30 following the effective date of the formation of the
6 31 new district shall not be affected by the formation of
6 32 the new district, except in accordance with the
6 33 provisions of sections 279.15 ~~to 279.18~~ through 279.16
6 34 and 279.24 and the authority and responsibility to
6 35 offer new contracts or to continue, modify, or
6 36 terminate existing contracts pursuant to sections
6 37 279.12, 279.13, 279.15 to 279.21, 279.23, and 279.24
6 38 for the school year beginning with the effective date
6 39 of the reorganization shall be transferred from the
6 40 boards of the existing districts to the board of the
6 41 new district on the third Tuesday of January prior to
6 42 the school year the reorganization is effective.

6 43 Sec. _____. Section 279.13, subsection 3, Code
6 44 Supplement 2007, is amended to read as follows:

6 45 3. If the provisions of a contract executed or
6 46 automatically renewed under this section conflict with
6 47 a collective bargaining agreement negotiated under
6 48 chapter 20 ~~and effective when the contract is executed~~
~~6 49 or renewed~~, the provisions of the collective
6 50 bargaining agreement shall prevail.

7 1 Sec. _____. Section 279.13, subsection 4, unnumbered
7 2 paragraph 1, Code Supplement 2007, is amended to read
7 3 as follows:

7 4 For purposes of this section, sections 279.14,
7 5 279.15 ~~through 279.17, 279.15A, 279.16, 279.19, and~~
7 6 279.27, unless the context otherwise requires,
7 7 "teacher" includes the following individuals employed
7 8 by a community college:

7 9 Sec. _____. Section 279.14, subsection 2, Code 2007,
7 10 is amended by striking the subsection.

7 11 Sec. _____. Section 279.15, subsection 1, Code 2007,
7 12 is amended to read as follows:

7 13 ~~1.~~ The superintendent or the superintendent's
7 14 designee shall notify the teacher and the board of
~~7 15 directors~~ not later than April 30 that the

7 16 superintendent will recommend in writing to the board
7 17 at a regular or special meeting of the board, held not

7 18 later than May 15, that the teacher's continuing
7 19 contract be terminated effective at the end of the
7 20 current school year. However, if the district is
7 21 subject to reorganization under chapter 275, the
7 22 notification shall not occur until after the first
7 23 organizational meeting of the board of the newly
7 24 formed district. The procedure for termination shall
7 25 be as provided in sections 279.15A and 279.16.

7 26 Sec. _____. Section 279.15, subsection 2, Code 2007,
7 27 is amended by striking the subsection.

7 28 Sec. _____. NEW SECTION. 279.15A TERMINATION
7 29 PROCEDURES == SCHOOL BOARD MEETING == REQUEST FOR
7 30 PRIVATE HEARING.

7 31 1. Notification of recommendation of termination
7 32 of a teacher's contract shall be in writing and shall
7 33 be personally delivered to the teacher, or sent by
7 34 certified mail. The notification shall be complete
7 35 when personally received by the teacher. The
7 36 notification and the recommendation to terminate shall
7 37 contain a short and plain statement of the reasons,
7 38 which shall be for just cause, why the recommendation
7 39 is being made. The notification shall also indicate
7 40 that the teacher may, within five days of receipt of
7 41 the notice, request in writing to the secretary of the
7 42 board, a private meeting with the board, or a private
7 43 hearing pursuant to section 279.16. If a hearing is
7 44 requested, the board and teacher shall proceed
7 45 according to the provisions of section 279.16.

7 46 2. If the teacher requests a private meeting, the
7 47 board shall, within five days of the receipt of the
7 48 request, deliver to the teacher, in writing, notice of
7 49 declination to meet with the teacher, or notice of a
7 50 time and place for the meeting with the board which
8 1 meeting shall be exempt from the requirements of
8 2 chapter 21. If the board declines to meet with
8 3 teacher, the parties shall immediately proceed under
8 4 section 279.16. The private meeting, if agreed to by
8 5 the board, shall be held no later than fifteen days
8 6 from receipt of the request for the private meeting.
8 7 At the meeting, the superintendent shall have the
8 8 opportunity to discuss with the board the reasons for
8 9 the issuance of the notice. The teacher, or the
8 10 teacher's representative, shall be given an
8 11 opportunity to respond. At the conclusion of the
8 12 meeting, the board of directors and the teacher may
8 13 enter into a mutually agreeable resolution to the
8 14 recommendation of termination. If no resolution is
8 15 reached by the parties, the board shall immediately
8 16 meet in open session, and, by majority roll call vote,
8 17 either reject or support the superintendent's
8 18 recommendation. If the recommendation is rejected,
8 19 the teacher's continuing contract shall remain in
8 20 force and effect. If the recommendation is supported,
8 21 the parties shall immediately proceed under section
8 22 279.16.

8 23 3. If the teacher does not request a private
8 24 meeting or private hearing pursuant to this section,
8 25 the board may determine the continuance,
8 26 discontinuance, or termination of the contract and, if
8 27 the board determines to continue the teacher's
8 28 contract, whether to suspend the teacher with or
8 29 without pay for a period specified by the board.
8 30 Board action shall be by majority roll call vote
8 31 entered on the minutes of the meeting. The board
8 32 shall make a determination as expeditiously as
8 33 possible, or, for a termination of contract pursuant
8 34 to section 279.15, not later than May 31. Notice of
8 35 board action shall be personally delivered or mailed
8 36 to the teacher.

8 37 4. As a part of the termination proceedings, the
8 38 teacher's complete personnel file of employment by
8 39 that board shall be available to the teacher, which
8 40 file shall contain a record of all periodic
8 41 evaluations between the teacher and appropriate
8 42 supervisors.

8 43 Sec. _____. Section 279.16, Code 2007, is amended to
8 44 read as follows:

8 45 279.16 PRIVATE HEARING == DECISION == RECORD.

8 46 1. If a private hearing is requested pursuant to
8 47 section 279.15A, or if the board declines to meet with
8 48 the teacher after a teacher's request for a meeting

8 49 under section 279.15A, the secretary of the board
8 50 shall immediately forward to the public employment
9 1 relations board a request that the public employment
9 2 relations board submit a list of five qualified
9 3 adjudicators to the parties for purposes of conducting
9 4 a private hearing. Within three days from receipt of
9 5 the list the parties shall select an adjudicator by
9 6 alternately removing a name from the list until only
9 7 one name remains. The person whose name remains shall
9 8 be the adjudicator. The parties shall determine by
9 9 lot which party shall remove the first name from the
9 10 list. The hearing shall be held no sooner than ten
9 11 days and not later than thirty days following the
9 12 selection of the adjudicator in order to allow the
9 13 teacher reasonable discovery, unless the parties
9 14 otherwise agree.

9 15 2. The adjudicator selected shall notify the
9 16 secretary of the board and the teacher in writing
9 17 concerning the date, time, and location of the
9 18 hearing. The board may be represented by a legal
9 19 representative, and the teacher shall appear and may
9 20 be represented by counsel or by a representative.

9 21 3. The participants at the private hearing
9 22 requested pursuant to section 279.15A shall be at
9 23 least a majority of the members of the board, their
9 24 legal representatives, if any, include the
9 25 superintendent, the superintendent's designated
9 26 representatives, if any, the teacher's immediate
9 27 supervisor, the teacher, the teacher's
9 28 representatives, if any, and the witnesses for the
9 29 parties. The evidence at the private hearing shall be
9 30 limited to the specific reasons stated in the
9 31 superintendent's notice of recommendation of
9 32 termination. ~~No Hearsay evidence shall not form a~~
9 33 ~~sufficient basis for termination.~~ A participant in
9 34 the hearing shall not be liable for any damages to any
9 35 person if any statement at the hearing is determined
9 36 to be erroneous as long as the statement was made in
9 37 good faith. The superintendent shall present evidence
9 38 and argument on all issues involved and the teacher
9 39 may cross-examine, respond, and present evidence and
9 40 argument in the teacher's behalf relevant to all
9 41 issues involved. Evidence may be by stipulation of
9 42 the parties and informal settlement may be made by
9 43 stipulation, consent, or default or by any other
9 44 method agreed upon by the parties in writing. ~~The~~
9 45 ~~board shall employ a certified shorthand reporter to~~
9 46 ~~keep a record of the private hearing. The proceedings~~
9 47 ~~or any part thereof shall be transcribed at the~~
9 48 ~~request of either party with the expense of~~
9 49 ~~transcription charged to the requesting party.~~

9 50 2- 4. The ~~presiding officer of the board~~
10 1 ~~adjudicator~~ may administer oaths in the same manner
10 2 and with like effect and under the same penalties as
10 3 in the case of magistrates exercising criminal or
10 4 civil jurisdiction. The ~~board~~ ~~adjudicator~~ shall cause
10 5 subpoenas to be issued for such witnesses and the
10 6 production of such books and papers as either the
10 7 ~~board~~ ~~adjudicator~~ or the teacher may designate. The
10 8 subpoenas shall be signed by the ~~presiding officer of~~
10 9 ~~the board~~ ~~adjudicator~~.

10 10 3- 5. In case a witness is duly subpoenaed and
10 11 refuses to attend, or in case a witness appears and
10 12 refuses to testify or to produce required books or
10 13 papers, the ~~board~~ ~~adjudicator~~ shall, in writing,
10 14 report such refusal to the district court of the
10 15 county in which the administrative office of the
10 16 school district is located, and the court shall
10 17 proceed with the person or witness as though the
10 18 refusal had occurred in a proceeding legally pending
10 19 before the court.

10 20 4- 6. The ~~board~~ ~~adjudicator~~ shall not be bound by
10 21 common law or statutory rules of evidence or by
10 22 technical or formal rules of procedure, but ~~it~~ shall
10 23 hold the hearing in such manner as is best suited to
10 24 ascertain and conserve the substantial rights of the
10 25 parties. ~~Process and procedure under sections 279.13~~
10 26 ~~to 279.19 shall be as summary as reasonably may be.~~

10 27 5- 7. At the conclusion of the private hearing,
10 28 the ~~superintendent~~ ~~board~~ and the teacher may file
10 29 written briefs and arguments with the ~~board~~

10 30 adjudicator within three days or such other time as
10 31 may be agreed upon.

~~10 32 6. If the teacher fails to timely request a
10 33 private hearing or does not appear at the private
10 34 hearing, the board may proceed and make a
10 35 determination upon the superintendent's
10 36 recommendation. If the teacher fails to timely file a
10 37 request for a private hearing, the determination shall
10 38 be not later than May 31. If the teacher fails to
10 39 appear at the private hearing, the determination shall
10 40 be not later than five days after the scheduled date
10 41 for the private hearing. The board shall convene in
10 42 open session and by roll call vote determine the
10 43 termination or continuance of the teacher's contract
10 44 and, if the board votes to continue the teacher's
10 45 contract, whether to suspend the teacher with or
10 46 without pay for a period specified by the board.~~

~~10 47 7. Within five days after the private hearing, the
10 48 board shall, in executive session, meet to make a
10 49 final decision upon the recommendation and the
10 50 evidence as herein provided. The board shall also
11 1 consider any written brief and arguments submitted by
11 2 the superintendent and the teacher.~~

~~11 3 8. The record for a private hearing shall include:~~

~~11 4 a. All pleadings, motions and intermediate
11 5 rulings.~~

~~11 6 b. All evidence received or considered and all
11 7 other submissions.~~

~~11 8 c. A statement of all matters officially noticed.~~

~~11 9 d. All questions and offers of proof, objections
11 10 and rulings thereon.~~

~~11 11 e. All findings and exceptions.~~

~~11 12 f. Any decision, opinion, or conclusion by the
11 13 board.~~

~~11 14 g. Findings of fact shall be based solely on the
11 15 evidence in the record and on matters officially
11 16 noticed in the record.~~

~~11 17 9. 8. The decision of the board adjudicator shall
11 18 be in writing and shall include findings of fact and
11 19 conclusions of law, separately stated contain a
11 20 determination of whether a preponderance of evidence
11 21 supports a finding that just cause exists for the
11 22 termination of the teacher's continuing contract.~~

~~11 23 Findings of fact, if set forth in statutory language,
11 24 shall be accompanied by a concise and explicit
11 25 statement of the underlying facts and supporting the
11 26 findings. Each conclusion of law shall be supported~~

~~11 27 by cited authority or by reasoned opinion. The
11 28 adjudicator shall issue a decision within a reasonable
11 29 time following the hearing. The adjudicator shall
11 30 make a specific determination of whether the teacher's
11 31 continuing contract should be terminated for just
11 32 cause, or whether a sanction less severe than
11 33 termination of the teacher's contract is appropriate.
11 34 The adjudicator shall immediately mail a copy of the
11 35 decision to the board, the superintendent, and the
11 36 teacher. The decision of the adjudicator is final.~~

~~11 37 10. When the board has reached a decision,
11 38 opinion, or conclusion, it shall convene in open
11 39 meeting and by roll call vote determine the
11 40 continuance or discontinuance of the teacher's
11 41 contract and, if the board votes to continue the
11 42 teacher's contract, whether to suspend the teacher
11 43 with or without pay for a period specified by the
11 44 board. The record of the private conference and
11 45 findings of fact and exceptions shall be exempt from
11 46 the provisions of chapter 22. The secretary of the
11 47 board shall immediately mail notice of the board's
11 48 action to the teacher.~~

~~11 49 Sec. ____.~~ Section 279.19, Code 2007, is amended by
11 50 striking the section and inserting in lieu thereof the
12 1 following:

12 2 279.19. BEGINNING TEACHERS.

12 3 If a teacher receiving a notice under section
12 4 279.15 is a beginning teacher, as defined in section
12 5 284.2, the provisions of sections 279.15, 279.15A, and
12 6 279.16 shall apply. In addition to the powers and
12 7 duties of the adjudicator as provided in section
12 8 279.16, the adjudicator shall also determine, if the
12 9 teacher is a beginning teacher, whether the teacher
12 10 has sufficiently demonstrated competency under the

12 11 standards listed in section 284.3, subsection 1. If
12 12 the determination of the adjudicator is that such
12 13 competency has been established, the determination
12 14 shall be communicated to the board of educational
12 15 examiners created in section 272.2, which shall then
12 16 issue a standard license to the teacher,
12 17 notwithstanding any provision in section 284.5,
12 18 subsection 6, to the contrary.

12 19 Sec. _____. Section 279.27, Code 2007, is amended to
12 20 read as follows:

12 21 279.27 DISCHARGE OF TEACHER.

12 22 A teacher may be discharged at any time during the
12 23 contract year for just cause. The superintendent or
12 24 the superintendent's designee, shall notify the
12 25 teacher immediately that the superintendent will
12 26 recommend in writing to the board at a regular or
12 27 special meeting of the board held not more than
12 28 fifteen days after notification has been given to the
12 29 teacher that the teacher's continuing contract be
12 30 terminated effective immediately following a decision
12 31 of the board. The procedure for ~~dismissal termination~~
12 32 shall be as provided in ~~section 279.15, subsection 2,~~
~~12 33 and sections 279.15A and 279.16 to 279.19.~~ The
12 34 superintendent may suspend a teacher under this
12 35 section pending ~~hearing and~~ determination by the board
12 36 under section 279.15A or by the adjudicator under
12 37 section 279.16, whichever is applicable.

12 38 Sec. _____. Section 279.40, unnumbered paragraph 5,
12 39 Code 2007, is amended by striking the unnumbered
12 40 paragraph.

12 41 Sec. _____. Section 279.46, Code 2007, is amended to
12 42 read as follows:

12 43 279.46 RETIREMENT INCENTIVES == TAX.

12 44 ~~The~~ If a school district and an employee
12 45 organization representing employees of the school
12 46 district have not negotiated an early retirement
12 47 incentive plan pursuant to chapter 20, the board of
12 48 directors of a school district may adopt a program for
12 49 payment of a monetary bonus, continuation of health or
12 50 medical insurance coverage, or other incentives for
13 1 encouraging its employees to retire before the normal
13 2 retirement date as defined in chapter 97B. The
13 3 program is available only to employees who notify the
13 4 board of directors prior to April 1 of the fiscal year
13 5 that they intend to retire not later than the start of
13 6 the next following school calendar. The age at which
13 7 employees shall be designated eligible for the program
13 8 shall be at the discretion of the board. An employee
13 9 retiring under this section may apply for a retirement
13 10 allowance under chapter 97B or chapter 294. The board
13 11 may include in the district management levy an amount
13 12 to pay the total estimated accumulated cost to the
13 13 school district of the health or medical insurance
13 14 coverage, bonus, or other incentives for employees
13 15 within the age range of fifty-five to sixty-five years
13 16 of age who retire under this section.

13 17 Sec. _____. Section 284.3, subsection 2, paragraph
13 18 a, Code Supplement 2007, is amended to read as
13 19 follows:

13 20 a. (1) For purposes of comprehensive evaluations
13 21 for beginning teachers required to allow beginning
13 22 teachers to progress to career teachers, standards and
13 23 criteria that are the Iowa teaching standards
13 24 specified in subsection 1 and the criteria for the
13 25 Iowa teaching standards developed by the department in
13 26 accordance with section 256.9, subsection 50. These
13 27 standards and criteria shall be set forth in an
13 28 instrument provided by the department. ~~The~~
~~13 29 comprehensive evaluation and instrument are not~~
~~13 30 subject to negotiations or grievance procedures~~
~~13 31 pursuant to chapter 20 or determinations made by the~~
~~13 32 board of directors under section 279.14.~~ A local
13 33 school board and its certified bargaining
13 34 representative may negotiate, pursuant to chapter 20,
13 35 evaluation and grievance procedures for beginning
13 36 teachers that are not in conflict with this chapter.

13 37 (2) If a school board determines that a beginning
13 38 teacher fails to demonstrate competence in the Iowa
13 39 teaching standards, the beginning teacher may appeal
13 40 the decision to an adjudicator under the process
13 41 established under section 279.16. If, in accordance

~~13 42 with section 279.19, a beginning teacher appeals the~~
~~13 43 determination of a school board to an adjudicator~~
~~13 44 under section 279.17, the adjudicator selected shall~~
13 45 have successfully completed training related to the
13 46 Iowa teacher standards, the criteria adopted by the
13 47 state board of education in accordance with subsection
13 48 3, and any additional training required under rules
13 49 adopted by the public employment relations board in
13 50 cooperation with the state board of education.

14 1 Sec. _____. Section 284.8, subsection 3, Code
14 2 Supplement 2007, is amended to read as follows:
14 3 3. If a teacher is denied advancement to the
14 4 career II or advanced teacher level based upon a
14 5 performance review, the teacher may appeal the
14 6 decision to an adjudicator under the process
14 7 established under section ~~279.17~~ 279.16. However, the
14 8 decision of the adjudicator is final.

14 9 Sec. _____. Section 279.17, Code Supplement 2007, is
14 10 repealed.

14 11 Sec. _____. Section 279.18, Code 2007, is repealed.>

14 12 #6. Title page, line 1, by inserting after the
14 13 word <bargaining> the following: <and teacher
14 14 discipline>.

14 15 #7. By renumbering as necessary.

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14 19 R. OLSON of POLK

14 20 HF 2645.702 82

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