

Senate File 423

S-3074

1 Amend Senate File 423 as follows:

2 1. Page 46, after line 27 by inserting:

3 <DIVISION  
4 PRACTITIONER STAFFING REDUCTION PROVISIONS

5 Sec. \_\_\_\_\_. Section 279.13, subsection 1, paragraph  
6 a, Code 2013, is amended to read as follows:

7 a. Contracts with teachers, which for the purpose  
8 of this section means all licensed employees of a  
9 school district and nurses employed by the board,  
10 excluding superintendents, assistant superintendents,  
11 principals, and assistant principals, shall be in  
12 writing and shall state the number of contract days,  
13 the annual compensation to be paid, and any other  
14 matters as may be mutually agreed upon. The contract  
15 may include employment for a term not exceeding the  
16 ensuing school year, except as otherwise authorized.  
17 Notwithstanding any contrary provision of law, neither  
18 the employees represented by the employee organization  
19 who are teachers or principals licensed under chapter  
20 272, nor the employing school district or area  
21 education agency shall include procedures for staff  
22 reduction in the scope of negotiations. The board  
23 shall not consider seniority or academic degrees or  
24 other credentials when determining compensation or an  
25 increase in compensation for a teacher, or when making  
26 retention, promotion, dismissal, reduction-in-force,  
27 or other staffing decisions; provided, that nothing in  
28 this paragraph prohibits cost-of-living adjustments  
29 tied in whole or in part to prior compensation levels.  
30 Differentiation in teacher compensation levels may be  
31 based on whether the teacher's performance evaluation  
32 determines the teacher is a highly effective teacher  
33 and the teacher teaches in a high-demand subject area  
34 or has a hard-to-staff assignment.

35 Sec. \_\_\_\_\_. Section 279.14, Code 2013, is amended to  
36 read as follows:

37 **279.14 Evaluation criteria and procedures.**

38 1. *Evaluation criteria and procedures.* The board  
39 shall establish evaluation criteria and shall implement  
40 evaluation procedures. If an exclusive bargaining  
41 representative has been certified, the board shall  
42 negotiate in good faith with respect to evaluation  
43 procedures pursuant to chapter 20.

44 2. *Standards of performance.* The determination  
45 of standards of performance expected of school  
46 district personnel shall be reserved as an exclusive  
47 management right of the school board and shall not  
48 be subject to mandatory negotiations under chapter  
49 20. Notwithstanding chapter 20, objections to the  
50 procedures, use, or content of an evaluation in a

1 teacher termination proceeding brought before the  
2 school board in a hearing held in accordance with  
3 section 279.16 or 279.27 shall not be subject to the  
4 grievance procedures negotiated in accordance with  
5 chapter 20. A school district shall not be obligated  
6 to process any evaluation grievance after service of a  
7 notice and recommendation to terminate an individual's  
8 continuing teaching contract in accordance with this  
9 chapter.

10 3. Use of evaluations. Notwithstanding any  
11 provision of law to the contrary, the board shall  
12 base decisions regarding significant differentiation  
13 in salary, retention, promotion, dismissal, and  
14 other staffing decisions including but not limited to  
15 transfers, placements, and preferences in the event  
16 of reductions in force, primarily on the results  
17 of annual performance evaluations for teachers and  
18 principals. Each teacher and principal contract issued  
19 pursuant to this chapter and each collective bargaining  
20 agreement negotiated under chapter 20 shall authorize  
21 use of evaluation results as a basis for the decisions  
22 described in this subsection. Evaluation results shall  
23 also be used to provide high-quality, individualized  
24 supports and professional development for teachers and  
25 principals.

26 Sec. \_\_\_\_\_. Section 279.27, Code 2013, is amended to  
27 read as follows:

28 **279.27 Discharge of teacher — reduction in force.**

29 1. Discharge. A teacher may be discharged at any  
30 time during the contract year for just cause. The  
31 superintendent or the superintendent's designee, shall  
32 notify the teacher immediately that the superintendent  
33 will recommend in writing to the board at a regular  
34 or special meeting of the board held not more than  
35 fifteen days after notification has been given to the  
36 teacher that the teacher's continuing contract be  
37 terminated effective immediately following a decision  
38 of the board. The procedure for dismissal shall  
39 be as provided in section 279.15, subsection 2, and  
40 sections 279.16 to 279.19. The superintendent may  
41 suspend a teacher under this section pending hearing  
42 and determination by the board.

43 2. Reduction-in-force criteria. Notwithstanding  
44 any provision of law to the contrary, a board shall  
45 not adopt or implement a policy that permits length of  
46 service to serve as the primary factor when conducting  
47 layoffs or a reduction in force. The board shall  
48 instead utilize a system that considers demonstrated  
49 teacher effectiveness in advancing student achievement  
50 as the primary factor when conducting a reduction

1 in force. In the event that an approved evaluation  
2 system has not been implemented, the board may adopt an  
3 interim policy for layoffs or reduction in force that  
4 is based on the following considerations:

5 a. Individual performance shall be weighted as  
6 the most significant consideration, at not less than  
7 seventy percent, in a layoff or reduction-in-force  
8 decision. Individual performance shall include  
9 evidence of increased student achievement, demonstrated  
10 pedagogical skill, and preparation to maximize  
11 instructional time as assessed by a principal,  
12 administrator, or peer evaluator.

13 b. Any record of misconduct, criminal conduct, or  
14 excessive unexcused absences in a teacher's personnel  
15 file.

16 c. Significant, relevant contributions to the  
17 effectiveness of the school and its professional  
18 staff, including but not limited to creation and  
19 implementation of a tutoring program and creation of a  
20 school enrichment program.

21 d. Relevant special training, certifications, and  
22 licenses unless otherwise prohibited under section  
23 279.13, subsection 1.

24 Sec. \_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
25 of this Act, being deemed of immediate importance,  
26 takes effect upon enactment.

27 Sec. \_\_\_\_. APPLICABILITY. This division of this Act  
28 applies immediately upon enactment and notwithstanding  
29 any provision of law to the contrary, any provision of  
30 a collective bargaining agreement negotiated by the  
31 board of directors of a school district under chapter  
32 20, or any rule or policy established by the board of  
33 directors of a school district, that is contrary to the  
34 provisions of this division of this Act is void.>

35 2. By renumbering as necessary.

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JAKE CHAPMAN

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MARK CHELGREN

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RICK BERTRAND

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NANCY J. BOETTGER

---

DAN ZUMBACH

---

MARK SEGEBART

---

BILL DIX

---

JACK WHITVER

---

MICHAEL BREITBACH

---

TIM KAPUCIAN

---

JERRY BEHN

---

JONI ERNST

---

DAVID JOHNSON

---

CHARLES SCHNEIDER

---

SANDRA H. GREINER

---

DENNIS GUTH

---

BILL ANDERSON

---

KENT SORENSON

---

RANDY FEENSTRA