

House File 2645 - Enrolled

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HOUSE FILE 2645

AN ACT

CONCERNING PUBLIC EMPLOYEE COLLECTIVE BARGAINING AND TEACHER DISCIPLINE.

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

DIVISION I

PUBLIC EMPLOYEE COLLECTIVE BARGAINING

Section 1. Section 20.1, subsection 7, Code 2007, is amended to read as follows:

7. ~~Assisting the attorney general in the preparation of~~ Preparing legal briefs and the presentation of presenting oral arguments in the district court, the court of appeals, and the supreme court in cases affecting the board.

Sec. 2. Section 20.3, subsection 4, Code 2007, is amended to read as follows:

4. "Employee organization" means an organization of any kind in which public employees participate and which exists for the primary purpose of representing ~~public~~ employees in their employment relations.

Sec. 3. Section 20.5, subsection 5, Code Supplement 2007, is amended to read as follows:

5. Members of the board and ~~other~~ employees of the board shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations for such purposes and the board shall be subject to the budget requirements of chapter 8.

Sec. 4. Section 20.6, subsection 1, Code 2007, is amended to read as follows:

1. ~~Administer Interpret, apply, and administer~~ the provisions of this chapter.

Sec. 5. Section 20.6, subsection 3, Code 2007, is amended to read as follows:

3. Establish minimum qualifications for arbitrators, ~~fact=~~ finders, and mediators, establish procedures for appointing, maintaining, and removing from a list persons representative of the public to be available to serve as arbitrators, ~~fact=~~ finders, and mediators, and establish compensation rates for arbitrators, ~~fact=finders,~~ and mediators.

Sec. 6. Section 20.8, Code 2007, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Section 20.9 shall not be construed to abrogate the rights of public employees as provided in this section and notwithstanding any other provision of law to the contrary, nothing shall be construed to alter this section which shall remain in full force and effect.

Sec. 7. Section 20.9, Code 2007, is amended to read as follows:

20.9 SCOPE OF NEGOTIATIONS.

1. The public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget-making process, to negotiate in good faith with respect to but not limited to the following:

a. wages, Wages.

b. hours, Hours, including the establishment of work

shifts and schedules and procedures and criteria for assigning

work shifts and schedules.

c. vacations, Vacations.

d. insurance, Insurance, including the determination of

the health insurance carrier.

e. holidays, Holidays.

f. leaves Leaves of absence, including cash payments for

accumulated leave.

g. shift Shift differentials,

h. overtime Overtime compensation,

i. supplemental Supplemental pay, including payments and

benefits which are other than wages and are not paid as

compensation for or conditioned upon the employees'

3 4 performance of services in addition to their regular services
3 5 to the public employer.
3 6 j. ~~seniority~~ Seniority.
3 7 k. ~~transfer~~ Transfer procedures.
3 8 l. ~~job~~ Job classifications.
3 9 m. ~~health~~ Health and safety matters.
3 10 n. ~~evaluation~~ Evaluation procedures, including the
3 11 frequency of evaluations, the method of evaluation, evaluation
3 12 forms and other evaluation instruments, evaluation criteria,
3 13 the purposes for and use of evaluations, and remedial and
3 14 employee performance improvement plans and procedures.
3 15 o. ~~procedures~~ Procedures for staff reduction.
3 16 p. ~~in-service~~ In-service training and other matters
3 17 mutually agreed upon.
3 18 q. Preparation time.
3 19 r. Class size.
3 20 s. Discipline and discharge, including grounds for
3 21 discharge and imposition of other discipline, levels and types
3 22 of disciplinary measures, and procedures for resolving
3 23 disputes.
3 24 t. Work uniforms and equipment and other required work
3 25 clothing and equipment, including allowances for uniforms and
3 26 equipment and other required work clothing and equipment.
3 27 u. Staffing levels.
3 28 v. Retirement systems not excluded from negotiations
3 29 pursuant to subsection 4.
3 30 w. Other terms and conditions of employment except as
3 31 provided in subsection 4.

3 32 2. Negotiations shall also include terms authorizing dues
3 33 checkoff for members of the employee organization and
3 34 grievance procedures for resolving any questions arising under
3 35 the agreement, which shall be embodied in a written agreement
4 1 and signed by the parties. If an agreement provides for dues
4 2 checkoff, a member's dues may be checked off only upon the
4 3 member's written request and the member may terminate the dues
4 4 checkoff at any time by giving thirty days' written notice.
4 5 Such obligation to negotiate in good faith does not compel
4 6 either party to agree to a proposal or make a concession.

4 7 3. Nothing in this section shall diminish the authority
4 8 and power of the department of administrative services, board
4 9 of regents' merit system, Iowa public broadcasting board's
4 10 merit system, or any civil service commission established by
4 11 constitutional provision, statute, charter or special act to
4 12 recruit employees, prepare, conduct and grade examinations,
4 13 rate candidates in order of their relative scores for
4 14 certification for appointment or promotion or for other
4 15 matters of classification, reclassification or appeal rights
4 16 in the classified service of the public employer served.

4 17 4. ~~All retirement systems~~ The following shall be excluded
4 18 from the scope of negotiations:-

4 19 a. ~~All retirement systems established by statute except~~
4 20 ~~for pension and annuity retirement systems established under~~
4 21 ~~chapter 412 and except for supplemental and additional~~
4 22 ~~retirement benefits including severance payments, cash~~
4 23 ~~payments based on accumulated or unused leave time, and~~
4 24 ~~insurance for retired employees.~~

4 25 b. ~~Discharge for teachers who are employed pursuant to~~
4 26 ~~chapter 279. For purposes of this paragraph, discharge does~~
4 27 ~~not include procedures and criteria for staff reduction.~~

4 28 Sec. 8. Section 20.10, subsection 1, Code 2007, is amended
4 29 to read as follows:

4 30 1. It shall be a prohibited practice for any public
4 31 employer, public employee or employee organization to
4 32 ~~willfully~~ refuse to negotiate in good faith with respect to
4 33 the scope of negotiations as defined in section 20.9.

4 34 Sec. 9. Section 20.10, subsection 2, unnumbered paragraph
4 35 1, Code 2007, is amended to read as follows:

5 1 It shall be a prohibited practice for a public employer or
5 2 the employer's designated representative ~~willfully~~ to:

5 3 Sec. 10. Section 20.10, subsection 2, paragraph f, Code
5 4 2007, is amended to read as follows:

5 5 f. Deny the rights accompanying certification ~~or exclusive~~
5 6 ~~recognition~~ granted in this chapter.

5 7 Sec. 11. Section 20.10, subsection 3, unnumbered paragraph
5 8 1, Code 2007, is amended to read as follows:

5 9 It shall be a prohibited practice for public employees or
5 10 an employee organization or for any person, union or
5 11 organization or their agents ~~willfully~~ to:

5 12 Sec. 12. Section 20.10, subsection 3, paragraph b, Code
5 13 2007, is amended to read as follows:

5 14 b. Interfere, restrain, or coerce a public employer with

5 15 respect to rights granted in this chapter or with respect to
5 16 selecting a representative for the purposes of negotiating
5 17 collectively ~~on or~~ the adjustment of grievances.

5 18 Sec. 13. Section 20.10, subsection 3, paragraph f, Code
5 19 2007, is amended to read as follows:

5 20 f. Violate the provisions of sections 732.1 to 732.3,
5 21 which are hereby made applicable to public employers, public
5 22 employees, and public employee organizations.

5 23 Sec. 14. Section 20.10, subsection 4, Code 2007, is
5 24 amended to read as follows:

5 25 4. The expressing of any views, argument or opinion, or
5 26 the dissemination thereof, whether orally or in written,
5 27 printed, graphic, or visual form, shall not constitute or be
5 28 evidence of any ~~unfair labor prohibited~~ practice under any of
5 29 the provisions of this chapter, if such expression contains no
5 30 threat of reprisal or force or promise of benefit.

5 31 Sec. 15. Section 20.11, subsections 1, 2, and 3, Code
5 32 2007, are amended to read as follows:

5 33 1. Proceedings against a party alleging a violation of
5 34 section 20.10 shall be commenced by filing a complaint with
5 35 the board within ninety days of the alleged violation, causing
6 1 a copy of the complaint to be served upon the accused party ~~in~~
6 2 ~~the manner of an original notice as provided in this chapter.~~

6 3 The accused party shall have ten days within which to file a
6 4 written answer to the complaint. However, the board may
6 5 conduct a preliminary investigation of the alleged violation,
6 6 and if the board determines that the complaint has no basis in
6 7 fact, the board may dismiss the complaint. The board shall
6 8 promptly thereafter set a time and place for hearing in the
6 9 county where the alleged violation occurred, provided,
6 10 however, that the presiding officer may conduct the hearing
6 11 through the use of technology from a remote location if the
6 12 parties so agree or if witness demeanor will not be a
6 13 substantial factor in resolving any disputed factual issues.

6 14 The parties shall be permitted to be represented by counsel,
6 15 summon witnesses, and request the board to subpoena witnesses
6 16 on the requester's behalf. Compliance with the technical
6 17 rules of pleading and evidence shall not be required.

6 18 2. The board may designate one of its members, an
6 19 administrative law judge, or any other qualified person
6 20 employed by the board to conduct serve as the presiding
6 21 officer at the hearing. The ~~administrative law judge~~
6 22 presiding officer has the powers as may be exercised by the
6 23 board for conducting the hearing and shall follow the
6 24 procedures adopted by the board for conducting the hearing.
6 25 The ~~proposed~~ decision of the ~~administrative law judge~~
6 26 presiding officer may be appealed to the board ~~and the board~~
6 27 ~~may hear the case de novo or upon the record as submitted~~
6 28 ~~before the administrative law judge, utilizing procedures~~
6 29 ~~governing appeals to the district court in this section so far~~
6 30 ~~as applicable, or reviewed on motion of the board, in~~
6 31 ~~accordance with the provisions of chapter 17A.~~

6 32 3. The board shall appoint a certified shorthand reporter
6 33 to report the proceedings and the board shall fix the
6 34 reasonable amount of compensation for such service, and for
6 35 any transcript requested by the board, which amount amounts
7 1 shall be taxed as other costs.

7 2 Sec. 16. Section 20.13, subsections 2 and 3, Code 2007,
7 3 are amended to read as follows:

7 4 2. Within thirty days of receipt of a petition ~~or notice~~
7 5 ~~to all interested parties if on its own initiative,~~ the board
7 6 shall conduct a public hearing, receive written or oral
7 7 testimony, and promptly thereafter file an order defining the
7 8 appropriate bargaining unit. In defining the unit, the board
7 9 shall take into consideration, along with other relevant
7 10 factors, the principles of efficient administration of
7 11 government, the existence of a community of interest among
7 12 public employees, the history and extent of public employee
7 13 organization, geographical location, and the recommendations
7 14 of the parties involved.

7 15 3. Appeals from such order shall be governed by ~~appeal~~
7 16 ~~provisions provided in section 20.11 the provisions of chapter~~
7 17 ~~17A.~~

7 18 Sec. 17. Section 20.14, subsection 2, paragraph a, Code
7 19 2007, is amended to read as follows:

7 20 a. The employee organization has submitted a request to a
7 21 public employer to bargain collectively with on behalf of a
7 22 designated group of public employees.

7 23 Sec. 18. Section 20.14, subsection 6, Code 2007, is
7 24 amended by striking the subsection.

7 25 Sec. 19. Section 20.15, subsections 1, 2, and 6, Code

7 26 2007, are amended to read as follows:

7 27 1. Upon the filing of a petition for certification of an
7 28 employee organization, the board shall submit a question to
7 29 the public employees at an election in ~~an appropriate the~~
7 30 bargaining unit found appropriate by the board. The question
7 31 on the ballot shall permit the public employees to vote for no
7 32 bargaining representation or for any employee organization
7 33 which has petitioned for certification or which has presented
7 34 proof satisfactory to the board of support of ten percent or
7 35 more of the public employees in the appropriate unit.

8 1 2. If a majority of the votes cast on the question is for
8 2 no bargaining representation, the public employees in the
8 3 bargaining unit found appropriate by the board shall not be
8 4 represented by an employee organization. If a majority of the
8 5 votes cast on the question is for a listed employee
8 6 organization, then ~~the that~~ employee organization shall
8 7 represent the public employees in ~~an appropriate the~~
8 8 bargaining unit found appropriate by the board.

8 9 6. A petition for certification as an exclusive bargaining
8 10 representative, ~~or a petition for decertification of a~~
8 11 ~~certified bargaining representative~~, shall not be considered
8 12 by the board for a period of one year from the date of the
8 13 certification or noncertification of an employee organization
8 14 as an exclusive bargaining representative or. The board shall
8 15 also not consider a petition for certification as an exclusive
8 16 bargaining representative or a petition for decertification of
8 17 an exclusive bargaining representative during the duration of
8 18 a collective bargaining agreement which, for purposes of this
8 19 section, shall be deemed not to exceed two years. A

8 20 collective bargaining agreement with the state, its boards,
8 21 commissions, departments, and agencies shall be for two years
8 22 and the provisions of a collective bargaining agreement ~~except~~
8 23 ~~agreements agreed to or tentatively agreed to prior to July 1,~~
8 24 ~~1977, or arbitrators' arbitrator's~~ award affecting state
8 25 employees shall not provide for renegotiations which would
8 26 require the refinancing of salary and fringe benefits for the
8 27 second year of the term of the agreement, except as provided
8 28 in section 20.17, subsection 6, and the effective date of any
8 29 such agreement shall be July 1 of odd-numbered years, provided
8 30 that if an exclusive bargaining representative is certified on
8 31 a date which will prevent the negotiation of a collective
8 32 bargaining agreement prior to July 1 of odd-numbered years for
8 33 a period of two years, the certified collective bargaining
8 34 representative may negotiate a one-year contract with ~~a~~ the
8 35 public employer which shall be effective from July 1 of the
9 1 even-numbered year to July 1 of the succeeding odd-numbered
9 2 year when new contracts shall become effective. However, if a
9 3 petition for decertification is filed during the duration of a
9 4 collective bargaining agreement, the board shall award an
9 5 election under this section not more than one hundred eighty
9 6 days nor less than one hundred fifty days prior to the
9 7 expiration of the collective bargaining agreement. If an
9 8 employee organization is decertified, the board may receive
9 9 petitions under section 20.14, provided that no such petition
9 10 and no election conducted pursuant to such petition within one
9 11 year from decertification shall include as a party the
9 12 decertified employee organization.

9 13 Sec. 20. Section 20.17, subsection 3, Code 2007, is
9 14 amended to read as follows:

9 15 3. Negotiating sessions, strategy meetings of public
9 16 employers ~~or employee organizations~~, mediation, and the
9 17 deliberative process of arbitrators shall be exempt from the
9 18 provisions of chapter 21. However, the employee organization
9 19 shall present its initial bargaining position to the public
9 20 employer at the first bargaining session. The public employer
9 21 shall present its initial bargaining position to the employee
9 22 organization at the second bargaining session, which shall be
9 23 held no later than two weeks following the first bargaining
9 24 session. Both sessions shall be open to the public and
9 25 subject to the provisions of chapter 21. Parties who by
9 26 agreement are utilizing a cooperative alternative bargaining
9 27 process may exchange their respective initial interest
9 28 statements in lieu of initial bargaining positions at these
9 29 open sessions. Hearings conducted by arbitrators shall be
9 30 open to the public.

9 31 Sec. 21. Section 20.17, subsection 6, Code 2007, is
9 32 amended to read as follows:

9 33 6. ~~No~~ A collective bargaining agreement or ~~arbitrators'~~
9 34 ~~decision arbitrator's~~ award shall not be valid or enforceable
9 35 if its implementation would be inconsistent with any statutory
10 1 limitation on the public employer's funds, spending or budget.

10 2 or would substantially impair or limit the performance of any
10 3 statutory duty by the public employer. A collective
10 4 bargaining agreement or ~~arbitrators' arbitrator's~~ award may
10 5 provide for benefits conditional upon specified funds to be
10 6 obtained by the public employer, but the agreement shall
10 7 provide either for automatic reduction of such conditional
10 8 benefits or for additional bargaining if the funds are not
10 9 obtained or if a lesser amount is obtained.

10 10 Sec. 22. Section 20.17, subsection 10, Code 2007, is
10 11 amended to read as follows:

10 12 10. The negotiation of a proposed collective bargaining
10 13 agreement by representatives of a state public employer and a
10 14 state employee organization shall be complete not later than
10 15 March 15 of the year when the agreement is to become
10 16 effective. The board shall provide, by rule, a date on which
10 17 any impasse item must be submitted to binding arbitration and
10 18 for such other procedures as deemed necessary to provide for
10 19 the completion of negotiations of proposed state collective
10 20 bargaining agreements not later than March 15. The date
10 21 selected for the mandatory submission of impasse items to
10 22 binding arbitration shall be sufficiently in advance of March
10 23 15 to ~~insure ensure~~ that the ~~arbitrators' decision~~
10 24 ~~arbitrator's award~~ can be reasonably made before March 15.

10 25 Sec. 23. Section 20.17, subsection 11, Code 2007, is
10 26 amended to read as follows:

10 27 11. a. In the absence of an impasse agreement negotiated
10 28 pursuant to section 20.19 which provides for a different
10 29 completion date, public employees represented by a certified
10 30 employee organization who are teachers licensed under chapter
10 31 272 and who are employed by a public employer which is a
10 32 school district or area education agency shall complete the
10 33 negotiation of a proposed collective bargaining agreement not
10 34 later than May 31 of the year when the agreement is to become
10 35 effective. The board shall provide, by rule, a date on which
11 1 impasse items in such cases must be submitted to binding
11 2 arbitration and for such other procedures as deemed necessary
11 3 to provide for the completion of negotiations of proposed
11 4 collective bargaining agreements not later than May 31. The
11 5 date selected for the mandatory submission of impasse items to
11 6 binding arbitration in such cases shall be sufficiently in
11 7 advance of May 31 to ensure that the ~~arbitrators' decision~~
11 8 ~~arbitrator's award~~ can be reasonably made ~~before~~ by May 31.

11 9 b. ~~If the public employer is a community college, the~~
11 10 ~~following apply:~~

11 11 ~~(1) The negotiation of a proposed collective bargaining~~
11 12 ~~agreement shall be complete not later than May 31 of the year~~
11 13 ~~when the agreement is to become effective, absent the~~
11 14 ~~existence. In the absence of an impasse agreement negotiated~~
11 15 ~~pursuant to section 20.19 which provides for a different~~
11 16 ~~completion date, public employees represented by a certified~~
11 17 ~~employee organization who are employed by a public employer~~
11 18 ~~which is a community college shall complete the negotiation of~~
11 19 ~~a proposed collective bargaining agreement not later than May~~
11 20 ~~31 of the year when the agreement is to become effective. The~~
11 21 ~~board shall adopt rules providing for provide, by rule, a date~~
11 22 ~~on which impasse items in such cases must be submitted to~~
11 23 ~~binding arbitration and for such other procedures as deemed~~
11 24 ~~necessary to provide for the completion of negotiations of~~
11 25 ~~proposed collective bargaining agreements not later than May~~
11 26 ~~31. The date selected for the mandatory submission of impasse~~
11 27 ~~items to binding arbitration in such cases shall be~~
11 28 ~~sufficiently in advance of May 31 to ensure that the~~
11 29 ~~arbitrators' decision arbitrator's award~~ can be reasonably
11 30 made by May 31.

11 31 ~~(2) c. Notwithstanding the provisions of subparagraph (1)~~
11 32 ~~paragraphs "a" and "b", the May 31 deadline may be waived by~~
11 33 ~~mutual agreement of the parties to the collective bargaining~~
11 34 ~~agreement negotiations.~~

11 35 Sec. 24. Section 20.18, unnumbered paragraph 1, Code 2007,
12 1 is amended to read as follows:

12 2 An agreement with an employee organization which is the
12 3 exclusive representative of public employees in an appropriate
12 4 unit may provide procedures for the consideration of public
12 5 employee and employee organization grievances ~~and of disputes~~
12 6 over the interpretation and application of agreements.
12 7 Negotiated procedures may provide for binding arbitration of
12 8 public employee and employee organization grievances ~~and of~~
12 9 ~~disputes~~ over the interpretation and application of existing
12 10 agreements. An arbitrator's decision on a grievance may not
12 11 change or amend the terms, conditions or applications of the
12 12 collective bargaining agreement. Such procedures shall

12 13 provide for the invoking of arbitration only with the approval
12 14 of the employee organization in all instances, and in the case
12 15 of an employee grievance, only with the additional approval of
12 16 the public employee. The costs of arbitration shall be shared
12 17 equally by the parties.

12 18 Sec. 25. Section 20.19, Code 2007, is amended to read as
12 19 follows:

12 20 20.19 IMPASSE PROCEDURES == AGREEMENT OF PARTIES.

12 21 1. As the first step in the performance of their duty to
12 22 bargain, the public employer and the employee organization
12 23 shall endeavor to agree upon impasse procedures. Such
12 24 agreement shall provide for implementation of these impasse
12 25 procedures not later than one hundred twenty days prior to the
12 26 certified budget submission date of the public employer.
12 27 However, if public employees represented by the employee
12 28 organization are teachers licensed under chapter 272, and the
12 29 public employer is a school district or area education agency,
12 30 the agreement shall provide for implementation of impasse
12 31 procedures not later than one hundred twenty days prior to May
12 32 31 of the year when the collective bargaining agreement is to
12 33 become effective. If the public employer is a community
12 34 college, the agreement shall provide for implementation of
12 35 impasse procedures not later than one hundred twenty days
13 1 prior to May 31 of the year when the collective bargaining
13 2 agreement is to become effective. If the public employer is
13 3 not subject to the budget certification requirements of
13 4 section 24.17 and other applicable sections of the Code, the
13 5 agreement shall provide for implementation of impasse
13 6 procedures not later than one hundred twenty days prior to a
13 7 date agreed upon by the public employer and the employee
13 8 organization or, if no date is agreed upon, May 31 of the year
13 9 when the collective bargaining agreement is to be effective.

13 10 If the parties fail to agree upon impasse procedures under the
13 11 provisions of this section, the impasse procedures provided in
13 12 sections 20.20 to 20.22 shall apply.

13 13 2. Parties who by agreement are utilizing a cooperative
13 14 alternative bargaining process shall, at the outset of such
13 15 process, agree upon a method and schedule for the completion
13 16 of impasse procedures should they fail to reach a collective
13 17 bargaining agreement through the use of such alternative
13 18 bargaining process.

13 19 Sec. 26. Section 20.20, Code 2007, is amended to read as
13 20 follows:

13 21 20.20 MEDIATION.

13 22 In the absence of an impasse agreement negotiated pursuant
13 23 to section 20.19 or the failure of either party to utilize its
13 24 procedures, one hundred twenty days prior to the certified
13 25 budget submission date, or one hundred twenty days prior to
13 26 May 31 of the year when the collective bargaining agreement is
13 27 to become effective if public employees represented by the
13 28 employee organization are teachers licensed under chapter 272
13 29 and the public employer is a school district or area education
13 30 agency, the board shall, upon the request of either party,
13 31 appoint an impartial and disinterested person to act as
13 32 mediator. If the public employer is a community college or is
13 33 not subject to the budget certification requirements of

13 34 section 24.17 and other applicable sections of the Code, and
13 35 in the absence of an impasse agreement negotiated pursuant to
14 1 section 20.19 or the failure of either party to utilize its
14 2 procedures, one hundred twenty days prior to May 31 of the
14 3 year when the collective bargaining agreement is to become
14 4 effective, the board, upon the request of either party, shall
14 5 appoint an impartial and disinterested person to act as
14 6 mediator. It shall be the function of the mediator to bring
14 7 the parties together to effectuate a settlement of the
14 8 dispute, but the mediator may not compel the parties to agree.

14 9 Sec. 27. Section 20.21, unnumbered paragraphs 1 and 2,
14 10 Code 2007, are amended to read as follows:

14 11 If the impasse persists ten days after the mediator has
14 12 been appointed, the board shall appoint a fact-finder
14 13 representative of the public, from a list of qualified persons
14 14 maintained by the board. The fact-finder shall conduct a
14 15 hearing, may administer oaths, and may ~~request the board to~~
14 16 ~~issue subpoenas to compel the attendance of witnesses and the~~
14 17 ~~production of records. The fact-finder may petition the~~
14 18 ~~district court at the seat of government or of the county in~~
14 19 ~~which the hearing is held to enforce the subpoena. The fact-~~
14 20 ~~finder shall make written findings of facts and~~
14 21 ~~recommendations for resolution of the dispute each impasse~~
14 22 ~~item and, not later than fifteen days from the day of~~
14 23 ~~appointment date of the hearing, shall serve such findings and~~

14 24 recommendations on the public employer and the certified
14 25 employee organization.

14 26 ~~The~~ Upon receipt of the fact-finder's findings and
14 27 recommendations, the public employer and the certified
14 28 employee organization shall immediately accept the fact-
14 29 finder's recommendation recommendations in their entirety or
14 30 shall within five days submit the fact-finder's
14 31 recommendations to the governing body of the public employer
14 32 and members of the certified employee organization for such
14 33 acceptance or rejection. If the dispute is not resolved by
14 34 both parties' acceptance of the fact-finder's recommendations,
14 35 the parties may continue to negotiate and resolve any disputed
15 1 impasse items. If the dispute continues ten days after the
15 2 report is submitted fact-finder's findings and recommendations
15 3 are served, the report findings and recommendations shall be
15 4 made available to the public by the board.

15 5 Sec. 28. Section 20.22, subsections 1, 2, and 3, Code
15 6 2007, are amended to read as follows:

15 7 1. If an impasse persists after the fact-finder's findings
15 8 of fact and recommendations are made available to the public
15 9 by the fact-finder board, the parties may continue to
15 10 negotiate or, the board shall have the power, upon request of
15 11 either party, to arrange for arbitration, which shall be
15 12 binding. The request for arbitration shall be in writing and
15 13 a copy of the request shall be served upon the other party.

15 14 2. Each party shall submit to the board serve its final
15 15 offer on each of the impasse items upon the other party within
15 16 four days of the board's receipt of the request a final offer
15 17 on the impasse items with proof of service of a copy upon the
15 18 other party for arbitration. Each party shall also submit a
15 19 copy of a draft of the proposed collective bargaining
15 20 agreement to the extent to which agreement has been reached
15 21 and the name of its selected arbitrator. The parties may
15 22 continue to negotiate all offers until an agreement is reached
15 23 or a decision an award is rendered by the panel of arbitrators
15 24 arbitrator.

15 25 ~~As an alternative procedure, the two parties may agree to~~
15 26 ~~submit the dispute to a single arbitrator. If the parties~~
15 27 ~~cannot agree on the arbitrator within four days, the selection~~
15 28 ~~shall be made pursuant to subsection 5. The full costs of~~
15 29 ~~arbitration under this provision section shall be shared~~
15 30 ~~equally by the parties to the dispute.~~

15 31 3. The submission of the impasse items to the arbitrators
15 32 arbitrator shall be limited to those issues that had been
15 33 considered by the fact-finder and upon which the parties have
15 34 not reached agreement. With respect to each such item, the
15 35 arbitration board arbitrator's award shall be restricted to
16 1 the final offers on each impasse item submitted by the parties
16 2 to the arbitration board arbitrator or to the recommendation
16 3 of the fact-finder on each impasse item.

16 4 Sec. 29. Section 20.22, subsection 4, Code 2007, is
16 5 amended by striking the subsection and inserting in lieu
16 6 thereof the following:

16 7 4. Upon the filing of the request for arbitration, a list
16 8 of five arbitrators shall be served upon the parties by the
16 9 board. Within five days of service of the list, the parties
16 10 shall determine by lot which party shall remove the first name
16 11 from the list and the parties shall then alternately remove
16 12 names from the list until the name of one person remains, who
16 13 shall become the arbitrator. The parties shall immediately
16 14 notify the board of their selection and the board shall notify
16 15 the arbitrator. After consultation with the parties, the
16 16 arbitrator shall set a time and place for an arbitration
16 17 hearing.

16 18 Sec. 30. Section 20.22, subsections 5 and 6, Code 2007,
16 19 are amended by striking the subsections.

16 20 Sec. 31. Section 20.22, subsections 7 and 8, Code 2007,
16 21 are amended to read as follows:

16 22 7. The ~~panel of arbitrators~~ arbitrator shall at no time
16 23 engage in an effort to mediate or otherwise settle the dispute
16 24 in any manner other than that prescribed in this section.

16 25 8. From the time of ~~appointment~~ the board notifies the
16 26 arbitrator of the selection of the arbitrator until such time
16 27 as the panel of arbitrators makes its final determination
16 28 arbitrator's selection on each impasse item is made, there
16 29 shall be no discussion concerning recommendations for
16 30 settlement of the dispute by the members of the panel of
16 31 arbitrators arbitrator with parties other than those who are
16 32 direct parties to the dispute. The panel of arbitrators may
16 33 conduct formal or informal hearings to discuss offers
16 34 submitted by both parties.

16 35 Sec. 32. Section 20.22, subsection 9, unnumbered paragraph
17 1 1, Code 2007, is amended to read as follows:

17 2 The ~~panel of arbitrators~~ arbitrator shall consider, in
17 3 addition to any other relevant factors, the following factors:

17 4 Sec. 33. Section 20.22, subsections 10, 11, 12, and 13,
17 5 Code 2007, are amended to read as follows:

17 6 10. The ~~chairperson of the panel of arbitrators~~ arbitrator
17 7 may ~~hold hearings and~~ administer oaths, examine witnesses and
17 8 documents, take testimony and receive evidence, and issue
17 9 subpoenas to compel the attendance of witnesses and the
17 10 production of records, ~~and delegate such powers to other~~
~~17 11 members of the panel of arbitrators.~~ The ~~chairperson of the~~
~~17 12 panel of arbitrators~~ arbitrator may petition the district
17 13 court at the seat of government or of the county in which ~~any~~
17 14 the hearing is held to enforce the order of the ~~chairperson~~
17 15 arbitrator compelling the attendance of witnesses and the
17 16 production of records.

17 17 11. ~~A majority of the panel of arbitrators~~ The arbitrator
17 18 shall select within fifteen days after ~~its first meeting the~~
17 19 hearing the most reasonable offer, in ~~its~~ the arbitrator's
17 20 judgment, of the final offers on each impasse item submitted
17 21 by the parties, or the recommendations of the fact-finder on
17 22 each impasse item.

17 23 12. The selections by the ~~panel of arbitrators~~ arbitrator
17 24 and items agreed upon by the public employer and the employee
17 25 organization, shall be deemed to be the collective bargaining
17 26 agreement between the parties.

17 27 13. The determination of the ~~panel of arbitrators~~ shall be
17 28 by majority vote and arbitrator shall be final and binding
17 29 subject to the provisions of section 20.17, subsection 6. The
17 30 ~~panel of arbitrators~~ arbitrator shall give written explanation
17 31 for ~~its selection~~ the arbitrator's selections and inform the
17 32 parties of ~~its~~ the decision.

17 33 Sec. 34. Section 20.24, Code 2007, is amended to read as
17 34 follows:

17 35 20.24 NOTICE AND SERVICE.

18 1 Any notice required under the provisions of this chapter
18 2 shall be in writing, but service thereof shall be sufficient
18 3 if mailed by restricted certified mail, return receipt
18 4 requested, addressed to the last known address of the ~~parties~~
18 5 intended recipient, unless otherwise provided in this chapter.
18 6 Refusal of restricted certified mail by any party shall be
18 7 considered service. Prescribed Unless otherwise provided in
18 8 this chapter, prescribed time periods shall commence from the
18 9 date of the receipt of the notice. Any party may at any time
18 10 execute and deliver an acceptance of service in lieu of mailed
18 11 notice.

18 12 Sec. 35. Section 412.1, Code 2007, is amended to read as
18 13 follows:

18 14 412.1 AUTHORITY TO ESTABLISH SYSTEM.

18 15 The council, board of waterworks trustees, or other board
18 16 or commission, whichever is authorized by law to manage and
18 17 operate any municipally owned waterworks system, or other
18 18 municipally owned and operated public utility, may establish a
18 19 pension and annuity retirement system for the employees of any
18 20 such waterworks system, or other municipally owned and
18 21 operated public utility. A pension and annuity retirement
18 22 system established pursuant to this chapter shall not be
18 23 considered a retirement system established by statute for
18 24 purposes of section 20.9 and shall not be excluded from the
18 25 scope of negotiations under section 20.9.

18 26 Sec. 36. Section 20.30, Code 2007, is repealed.

18 27 DIVISION II

18 28 TEACHER CONTRACTS AND DISCIPLINE

18 29 Sec. 37. Section 260C.39, unnumbered paragraph 3, Code
18 30 2007, is amended to read as follows:

18 31 The terms of employment of personnel, for the academic year
18 32 following the effective date of the agreement to combine the
18 33 merged areas shall not be affected by the combination of the
18 34 merged areas, except in accordance with the procedures under
18 35 sections 279.15 ~~to 279.18~~ through 279.16 and section 279.24,
19 1 to the extent those procedures are applicable, or under the
19 2 terms of the base bargaining agreement. The authority and
19 3 responsibility to offer new contracts or to continue, modify,
19 4 or terminate existing contracts pursuant to any applicable
19 5 procedures under chapter 279, shall be transferred to the
19 6 acting, and then to the new, board of the combined merged area
19 7 upon certification of a favorable vote to each of the merged
19 8 areas affected by the agreement. The collective bargaining
19 9 agreement of the merged area receiving the greatest amount of
19 10 general state aid shall serve as the base agreement for the

19 11 combined merged area and the employees of the merged areas
19 12 which combined to form the new combined merged area shall
19 13 automatically be accreted to the bargaining unit from that
19 14 former merged area for purposes of negotiating the contracts
19 15 for the following years without further action by the public
19 16 employment relations board. If only one collective bargaining
19 17 agreement is in effect among the merged areas which are
19 18 combining under this section, then that agreement shall serve
19 19 as the base agreement, and the employees of the merged areas
19 20 which are combining to form the new combined merged area shall
19 21 automatically be accreted to the bargaining unit of that
19 22 former merged area for purposes of negotiating the contracts
19 23 for the following years without further action by the public
19 24 employment relations board. The board of the combined merged
19 25 area, using the base agreement as its existing contract, shall
19 26 bargain with the combined employees of the merged areas that
19 27 have agreed to combine for the academic year beginning with
19 28 the effective date of the agreement to combine merged areas.
19 29 The bargaining shall be completed by March 15 prior to the
19 30 academic year in which the agreement to combine merged areas
19 31 becomes effective or within one hundred eighty days after the
19 32 organization of the acting board of the new combined merged
19 33 area, whichever is later. If a bargaining agreement was
19 34 already concluded in the former merged area which has the
19 35 collective bargaining agreement that is serving as the base
20 1 agreement for the new combined merged area, between the former
20 2 merged area board and the employees of the former merged area,
20 3 that agreement is void, unless the agreement contained
20 4 multiyear provisions affecting academic years subsequent to
20 5 the effective date of the agreement to form a combined merged
20 6 area. If the base collective bargaining agreement contains
20 7 multiyear provisions, the duration and effect of the agreement
20 8 shall be controlled by the terms of the agreement. The
20 9 provisions of the base agreement shall apply to the offering
20 10 of new contracts, or the continuation, modification, or
20 11 termination of existing contracts between the acting or new
20 12 board of the combined merged area and the combined employees
20 13 of the new combined merged area.

20 14 Sec. 38. Section 273.22, subsection 1, Code 2007, is
20 15 amended to read as follows:

20 16 1. The terms of employment of the administrator and staff
20 17 of affected area education agencies for the school year
20 18 beginning with the effective date of the formation of the new
20 19 area education agency shall not be affected by the formation
20 20 of the new area education agency, except in accordance with
20 21 the provisions of sections 279.15 through ~~279.18~~ 279.16, and
20 22 279.24, and the authority and responsibility to offer new
20 23 contracts or to continue, modify, or terminate existing
20 24 contracts pursuant to sections 279.12, 279.13, 279.15 through
20 25 279.21, 279.23, and 279.24 for the school year beginning with
20 26 the effective date of the reorganization shall be transferred
20 27 from the boards of the existing area education agencies to the
20 28 board of the new area education agency following approval of
20 29 the reorganization plan by the state board as provided in
20 30 section 273.21, subsection 4.

20 31 Sec. 39. Section 275.33, subsection 1, Code 2007, is
20 32 amended to read as follows:

20 33 1. The terms of employment of superintendents, principals,
20 34 and teachers, for the school year following the effective date
20 35 of the formation of the new district shall not be affected by
21 1 the formation of the new district, except in accordance with
21 2 the provisions of sections 279.15 ~~to 279.18~~ through 279.16 and
21 3 279.24 and the authority and responsibility to offer new
21 4 contracts or to continue, modify, or terminate existing
21 5 contracts pursuant to sections 279.12, 279.13, 279.15 to
21 6 279.21, 279.23, and 279.24 for the school year beginning with
21 7 the effective date of the reorganization shall be transferred
21 8 from the boards of the existing districts to the board of the
21 9 new district on the third Tuesday of January prior to the
21 10 school year the reorganization is effective.

21 11 Sec. 40. Section 279.13, subsection 3, Code Supplement
21 12 2007, is amended to read as follows:

21 13 3. If the provisions of a contract executed or
21 14 automatically renewed under this section conflict with a
21 15 collective bargaining agreement negotiated under chapter 20
21 16 ~~and effective when the contract is executed or renewed~~, the
21 17 provisions of the collective bargaining agreement shall
21 18 prevail.

21 19 Sec. 41. Section 279.13, subsection 4, unnumbered
21 20 paragraph 1, Code Supplement 2007, is amended to read as
21 21 follows:

21 22 For purposes of this section, sections 279.14, 279.15
21 23 ~~through 279.17, 279.15A, 279.16, 279.19, and 279.27, unless~~
21 24 the context otherwise requires, "teacher" includes the
21 25 following individuals employed by a community college:

21 26 Sec. 42. Section 279.14, subsection 2, Code 2007, is
21 27 amended by striking the subsection.

21 28 Sec. 43. Section 279.15, subsection 1, Code 2007, is
21 29 amended to read as follows:

21 30 ~~1-~~ The superintendent or the superintendent's designee
21 31 shall notify the teacher and the board of directors not later
21 32 than April 30 that the superintendent will recommend in
21 33 writing to the board at a regular or special meeting of the
21 34 board, held not later than May 15, that the teacher's
21 35 continuing contract be terminated effective at the end of the
22 1 current school year. However, if the district is subject to
22 2 reorganization under chapter 275, the notification shall not
22 3 occur until after the first organizational meeting of the
22 4 board of the newly formed district. The procedure for
22 5 termination shall be as provided in sections 279.15A and
22 6 279.16.

22 7 Sec. 44. Section 279.15, subsection 2, Code 2007, is
22 8 amended by striking the subsection.

22 9 Sec. 45. NEW SECTION. 279.15A TERMINATION PROCEDURES ==
22 10 SCHOOL BOARD MEETING == REQUEST FOR PRIVATE HEARING.

22 11 1. Notification of recommendation of termination of a
22 12 teacher's contract shall be in writing and shall be personally
22 13 delivered to the teacher, or sent by certified mail. The
22 14 notification shall be complete when personally received by the
22 15 teacher. The notification and the recommendation to terminate
22 16 shall contain a short and plain statement of the reasons,
22 17 which shall be for just cause, why the recommendation is being
22 18 made. The notification shall also indicate that the teacher
22 19 may, within five days of receipt of the notice, request in
22 20 writing to the secretary of the board, a private meeting with
22 21 the board, or a private hearing pursuant to section 279.16.
22 22 If a hearing is requested, the board and teacher shall proceed
22 23 according to the provisions of section 279.16.

22 24 2. If the teacher requests a private meeting, the board
22 25 shall, within five days of the receipt of the request, deliver
22 26 to the teacher, in writing, notice of declination to meet with
22 27 the teacher, or notice of a time and place for the meeting
22 28 with the board which meeting shall be exempt from the
22 29 requirements of chapter 21. If the board declines to meet
22 30 with teacher, the parties shall immediately proceed under
22 31 section 279.16. The private meeting, if agreed to by the
22 32 board, shall be held no later than fifteen days from receipt
22 33 of the request for the private meeting. At the meeting, the
22 34 superintendent shall have the opportunity to discuss with the
22 35 board the reasons for the issuance of the notice. The
23 1 teacher, or the teacher's representative, shall be given an
23 2 opportunity to respond. At the conclusion of the meeting, the
23 3 board of directors and the teacher may enter into a mutually
23 4 agreeable resolution to the recommendation of termination. If
23 5 no resolution is reached by the parties, the board shall
23 6 immediately meet in open session, and, by majority roll call
23 7 vote, either reject or support the superintendent's
23 8 recommendation. If the recommendation is rejected, the
23 9 teacher's continuing contract shall remain in force and
23 10 effect. If the recommendation is supported, the parties shall
23 11 immediately proceed under section 279.16.

23 12 3. If the teacher does not request a private meeting or
23 13 private hearing pursuant to this section, the board may
23 14 determine the continuance, discontinuance, or termination of
23 15 the contract and, if the board determines to continue the
23 16 teacher's contract, whether to suspend the teacher with or
23 17 without pay for a period specified by the board. Board action
23 18 shall be by majority roll call vote entered on the minutes of
23 19 the meeting. The board shall make a determination as
23 20 expeditiously as possible, or, for a termination of contract
23 21 pursuant to section 279.15, not later than May 31. Notice of
23 22 board action shall be personally delivered or mailed to the
23 23 teacher.

23 24 4. As a part of the termination proceedings, the teacher's
23 25 complete personnel file of employment by that board shall be
23 26 available to the teacher, which file shall contain a record of
23 27 all periodic evaluations between the teacher and appropriate
23 28 supervisors.

23 29 Sec. 46. Section 279.16, Code 2007, is amended to read as
23 30 follows:

23 31 279.16 PRIVATE HEARING == DECISION == RECORD.

23 32 1. If a private hearing is requested pursuant to section

23 33 279.15A, or if the board declines to meet with the teacher
23 34 after a teacher's request for a meeting under section 279.15A,
23 35 the secretary of the board shall immediately forward to the
24 1 public employment relations board a request that the public
24 2 employment relations board submit a list of five qualified
24 3 adjudicators to the parties for purposes of conducting a
24 4 private hearing. Within three days from receipt of the list
24 5 the parties shall select an adjudicator by alternately
24 6 removing a name from the list until only one name remains.
24 7 The person whose name remains shall be the adjudicator. The
24 8 parties shall determine by lot which party shall remove the
24 9 first name from the list. The hearing shall be held no sooner
24 10 than ten days and not later than thirty days following the
24 11 selection of the adjudicator in order to allow the teacher
24 12 reasonable discovery, unless the parties otherwise agree.

24 13 2. The adjudicator selected shall notify the secretary of
24 14 the board and the teacher in writing concerning the date,
24 15 time, and location of the hearing. The board may be
24 16 represented by a legal representative, and the teacher shall
24 17 appear and may be represented by counsel or by a
24 18 representative.

24 19 3. The participants at the private hearing requested
24 20 pursuant to section 279.15A shall be at least a majority of
24 21 the members of the board, their legal representatives, if any,
24 22 include the superintendent, the superintendent's designated
24 23 representatives, if any, the teacher's immediate supervisor,
24 24 the teacher, the teacher's representatives, if any, and the
24 25 witnesses for the parties. The evidence at the private
24 26 hearing shall be limited to the specific reasons stated in the
24 27 superintendent's notice of recommendation of termination. No
24 28 Hearsay evidence shall not form a sufficient basis for
24 29 termination. A participant in the hearing shall not be liable
24 30 for any damages to any person if any statement at the hearing
24 31 is determined to be erroneous as long as the statement was
24 32 made in good faith. The superintendent shall present evidence
24 33 and argument on all issues involved and the teacher may
24 34 cross-examine, respond, and present evidence and argument in
24 35 the teacher's behalf relevant to all issues involved.

25 1 Evidence may be by stipulation of the parties and informal
25 2 settlement may be made by stipulation, consent, or default or
25 3 by any other method agreed upon by the parties in writing.
25 4 The board shall employ a certified shorthand reporter to keep
25 5 a record of the private hearing. The proceedings or any part
25 6 thereof shall be transcribed at the request of either party
25 7 with the expense of transcription charged to the requesting
25 8 party.

25 9 2- 4. The presiding officer of the board adjudicator may
25 10 administer oaths in the same manner and with like effect and
25 11 under the same penalties as in the case of magistrates
25 12 exercising criminal or civil jurisdiction. The board
25 13 adjudicator shall cause subpoenas to be issued for such
25 14 witnesses and the production of such books and papers as
25 15 either the board adjudicator or the teacher may designate.
25 16 The subpoenas shall be signed by the presiding officer of the
25 17 board adjudicator.

25 18 3- 5. In case a witness is duly subpoenaed and refuses to
25 19 attend, or in case a witness appears and refuses to testify or
25 20 to produce required books or papers, the board adjudicator
25 21 shall, in writing, report such refusal to the district court
25 22 of the county in which the administrative office of the school
25 23 district is located, and the court shall proceed with the
25 24 person or witness as though the refusal had occurred in a
25 25 proceeding legally pending before the court.

25 26 4- 6. The board adjudicator shall not be bound by common
25 27 law or statutory rules of evidence or by technical or formal
25 28 rules of procedure, but it shall hold the hearing in such
25 29 manner as is best suited to ascertain and conserve the
25 30 substantial rights of the parties. Process and procedure
25 31 under sections 279.13 to 279.19 shall be as summary as
25 32 reasonably may be.

25 33 5- 7. At the conclusion of the private hearing, the
25 34 superintendent board and the teacher may file written briefs
25 35 and arguments with the board adjudicator within three days or
26 1 such other time as may be agreed upon.

26 2 6. If the teacher fails to timely request a private
26 3 hearing or does not appear at the private hearing, the board
26 4 may proceed and make a determination upon the superintendent's
26 5 recommendation. If the teacher fails to timely file a request
26 6 for a private hearing, the determination shall be not later
26 7 than May 31. If the teacher fails to appear at the private
26 8 hearing, the determination shall be not later than five days

~~26 9 after the scheduled date for the private hearing. The board
26 10 shall convene in open session and by roll call vote determine
26 11 the termination or continuance of the teacher's contract and,
26 12 if the board votes to continue the teacher's contract, whether
26 13 to suspend the teacher with or without pay for a period
26 14 specified by the board.~~

~~26 15 7. Within five days after the private hearing, the board
26 16 shall, in executive session, meet to make a final decision
26 17 upon the recommendation and the evidence as herein provided.
26 18 The board shall also consider any written brief and arguments
26 19 submitted by the superintendent and the teacher.~~

~~26 20 8. The record for a private hearing shall include:
26 21 a. All pleadings, motions and intermediate rulings.
26 22 b. All evidence received or considered and all other
26 23 submissions.~~

~~26 24 c. A statement of all matters officially noticed.~~

~~26 25 d. All questions and offers of proof, objections and
26 26 rulings thereon.~~

~~26 27 e. All findings and exceptions.~~

~~26 28 f. Any decision, opinion, or conclusion by the board.~~

~~26 29 g. Findings of fact shall be based solely on the evidence
26 30 in the record and on matters officially noticed in the record.~~

~~26 31 9. 8. The decision of the board adjudicator shall be in
26 32 writing and shall include findings of fact and conclusions of
26 33 law, separately stated contain a determination of whether a
26 34 preponderance of evidence supports a finding that just cause~~

~~26 35 exists for the termination of the teacher's continuing
27 1 contract. Findings of fact, if set forth in statutory
27 2 language, shall be accompanied by a concise and explicit
27 3 statement of the underlying facts and supporting the findings.
27 4 Each conclusion of law shall be supported by cited authority
27 5 or by reasoned opinion. The adjudicator shall issue a
27 6 decision within a reasonable time following the hearing. The
27 7 adjudicator shall make a specific determination of whether the
27 8 teacher's continuing contract should be terminated for just
27 9 cause, or whether a sanction less severe than termination of
27 10 the teacher's contract is appropriate. The adjudicator shall
27 11 immediately mail a copy of the decision to the board, the
27 12 superintendent, and the teacher. The decision of the
27 13 adjudicator is final.~~

~~27 14 10. When the board has reached a decision, opinion, or
27 15 conclusion, it shall convene in open meeting and by roll call
27 16 vote determine the continuance or discontinuance of the
27 17 teacher's contract and, if the board votes to continue the
27 18 teacher's contract, whether to suspend the teacher with or
27 19 without pay for a period specified by the board. The record
27 20 of the private conference and findings of fact and exceptions
27 21 shall be exempt from the provisions of chapter 22. The
27 22 secretary of the board shall immediately mail notice of the
27 23 board's action to the teacher.~~

~~27 24 Sec. 47. Section 279.19, Code 2007, is amended by striking
27 25 the section and inserting in lieu thereof the following:~~

~~27 26 279.19. BEGINNING TEACHERS.~~

~~27 27 If a teacher receiving a notice under section 279.15 is a
27 28 beginning teacher, as defined in section 284.2, the provisions
27 29 of sections 279.15, 279.15A, and 279.16 shall apply. In
27 30 addition to the powers and duties of the adjudicator as
27 31 provided in section 279.16, the adjudicator shall also
27 32 determine, if the teacher is a beginning teacher, whether the
27 33 teacher has sufficiently demonstrated competency under the
27 34 standards listed in section 284.3, subsection 1. If the
27 35 determination of the adjudicator is that such competency has
28 1 been established, the determination shall be communicated to
28 2 the board of educational examiners created in section 272.2,
28 3 which shall then issue a standard license to the teacher,
28 4 notwithstanding any provision in section 284.5, subsection 6,
28 5 to the contrary.~~

~~28 6 Sec. 48. Section 279.27, Code 2007, is amended to read as
28 7 follows:~~

~~28 8 279.27 DISCHARGE OF TEACHER.~~

~~28 9 A teacher may be discharged at any time during the contract
28 10 year for just cause. The superintendent or the
28 11 superintendent's designee, shall notify the teacher
28 12 immediately that the superintendent will recommend in writing
28 13 to the board at a regular or special meeting of the board held
28 14 not more than fifteen days after notification has been given
28 15 to the teacher that the teacher's continuing contract be
28 16 terminated effective immediately following a decision of the
28 17 board. The procedure for dismissal termination shall be as
28 18 provided in section 279.15, subsection 2, and sections 279.15A
28 19 and 279.16 to 279.19. The superintendent may suspend a~~

28 20 teacher under this section pending ~~hearing and~~ determination
28 21 by the board under section 279.15A or by the adjudicator under
28 22 section 279.16, whichever is applicable.

28 23 Sec. 49. Section 279.40, unnumbered paragraph 5, Code
28 24 2007, is amended by striking the unnumbered paragraph.
28 25 Sec. 50. Section 279.46, Code 2007, is amended to read as
28 26 follows:

28 27 279.46 RETIREMENT INCENTIVES == TAX.

28 28 ~~The~~ If a school district and an employee organization
28 29 representing employees of the school district have not

28 30 negotiated an early retirement incentive plan pursuant to
28 31 chapter 20, the board of directors of a school district may
28 32 adopt a program for payment of a monetary bonus, continuation
28 33 of health or medical insurance coverage, or other incentives
28 34 for encouraging its employees to retire before the normal
28 35 retirement date as defined in chapter 97B. The program is
29 1 available only to employees who notify the board of directors
29 2 prior to April 1 of the fiscal year that they intend to retire
29 3 not later than the start of the next following school
29 4 calendar. The age at which employees shall be designated
29 5 eligible for the program shall be at the discretion of the
29 6 board. An employee retiring under this section may apply for
29 7 a retirement allowance under chapter 97B or chapter 294. The
29 8 board may include in the district management levy an amount to
29 9 pay the total estimated accumulated cost to the school
29 10 district of the health or medical insurance coverage, bonus,
29 11 or other incentives for employees within the age range of
29 12 fifty=five to sixty=five years of age who retire under this
29 13 section.

29 14 Sec. 51. Section 284.3, subsection 2, paragraph a, Code
29 15 Supplement 2007, is amended to read as follows:

29 16 a. (1) For purposes of comprehensive evaluations for
29 17 beginning teachers required to allow beginning teachers to
29 18 progress to career teachers, standards and criteria that are
29 19 the Iowa teaching standards specified in subsection 1 and the
29 20 criteria for the Iowa teaching standards developed by the
29 21 department in accordance with section 256.9, subsection 50.
29 22 These standards and criteria shall be set forth in an
29 23 instrument provided by the department. ~~The comprehensive~~
29 24 ~~evaluation and instrument are not subject to negotiations or~~
29 25 ~~grievance procedures pursuant to chapter 20 or determinations~~
29 26 ~~made by the board of directors under section 279.14.~~ A local
29 27 school board and its certified bargaining representative may
29 28 negotiate, pursuant to chapter 20, evaluation and grievance
29 29 procedures for beginning teachers that are not in conflict
29 30 with this chapter.

29 31 (2) If a school board determines that a beginning teacher
29 32 fails to demonstrate competence in the Iowa teaching
29 33 standards, the beginning teacher may appeal the decision to an
29 34 adjudicator under the process established under section

29 35 279.16. ~~If, in accordance with section 279.19, a beginning~~
30 1 teacher appeals the determination of a school board to an
30 2 adjudicator ~~under section 279.17,~~ the adjudicator selected
30 3 shall have successfully completed training related to the Iowa
30 4 teacher standards, the criteria adopted by the state board of
30 5 education in accordance with subsection 3, and any additional
30 6 training required under rules adopted by the public employment
30 7 relations board in cooperation with the state board of
30 8 education.

30 9 Sec. 52. Section 284.8, subsection 3, Code Supplement
30 10 2007, is amended to read as follows:

30 11 3. If a teacher is denied advancement to the career II or
30 12 advanced teacher level based upon a performance review, the
30 13 teacher may appeal the decision to an adjudicator under the
30 14 process established under section ~~279.17~~ 279.16. However, the
30 15 decision of the adjudicator is final.

30 16 Sec. 53. Section 279.17, Code Supplement 2007, is
30 17 repealed.

30 18 Sec. 54. Section 279.18, Code 2007, is repealed.

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PATRICK J. MURPHY
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and

30 31 is known as House File 2645, Eighty-second General Assembly.

30 32

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30 35

MARK BRANDSGARD
Chief Clerk of the House

31 1

31 2 Approved _____, 2008

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31 5

31 6 CHESTER J. CULVER

31 7 Governor