



CHESTER J. CULVER  
GOVERNOR

## OFFICE OF THE GOVERNOR

PATTY JUDGE  
LT. GOVERNOR

May 15, 2008

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby disapprove and transmit to you House File 2645, an Act concerning public employee collective bargaining and teacher discipline, without my signature, in accordance with Article III, section 16 of the Constitution of the State of Iowa.

On January 15, 2008, when I delivered my Condition of the State address, I urged legislators to consider a number of reforms aimed at making Iowa a better place for its workers and managers. Included in the proposals I made at that time was the suggestion that members of the General Assembly openly debate labor-management issues. I said:

[F]or the benefit of working Iowans, I challenge you to try to find consensus, and to not be afraid to debate difficult issues, like, prevailing wage, independent contractor reform, choice of doctor, fair share, and the right to bargain matters like employee discipline and discharge.

This Administration stands ready to revise, amend and improve Iowa's labor laws and strongly supports the principles of collective bargaining. When we do so, however, we must exert care to assure that such changes are achieved in ways that use normal legislative processes, truly reflecting the gravity and importance of the issues under consideration, and in ways that assure that the citizens who grant us the privilege of holding public office have every opportunity to weigh-in and have their voices heard.

House File 2645 is a bill that does not simply modify, but, rather, completely re-writes, both our public sector collective bargaining law under Iowa Code chapter 20, and the teacher discipline and discharge provisions under Iowa Code chapter 279.

In 1973, after years of statewide effort and public debate, and after countless public hearings convened by the House and Senate here in the capitol, a bill for a law known as the Iowa Public Employment Relations Act, now chapter 20 of the Iowa Code, was brought to the floor of the general assembly for a debate that would extend over a two-year period. In the second session, the Act came up for consideration as a special

order of business. The debate lasted for twelve days. One hundred ninety-eight amendments were offered, fifty-eight of which were adopted in whole or in part.

In contrast to the process undertaken thirty years ago, the core principles that normally guide the legislative process – fair advance notice to the public of what laws we intend to change or create, citizen access to the lawmaking process, and minimizing taxpayer uncertainty as to economic effects of a law by drafting laws with clarity – were not sufficiently respected in the case of House File 2645.

The result is a poorly written bill with sometimes-ambiguous language that raises troubling, unanswered questions and unresolved uncertainties for management, labor and taxpayers alike. At the heart of the ambiguities is the “open scope” language of the bill, which does not define what is, and what is not, a part of the “other terms and conditions not already excluded,” that could be made subject to mandatory bargaining. As a result, if House File 2645 were to become law, the reasonably settled expectations of thirty years of practice under existing law would be placed at risk. The hybrid law—unlike that of any other state in the nation—consisting of a substantially lengthened “laundry list” of Iowa’s statutorily-based mandatory bargaining issues, combined with “open scope” language borrowed from the federal National Labor Relations Act, could result in an almost unlimited reach of mandatory bargaining topics, all of which could be made subject to binding arbitration upon impasse and which could potentially result in untold and unintended obligations resulting in substantial tax increases.

Similarly, the proposed changes to chapter 279 would make Iowa’s education law an outlier in a number of significant ways. No other state has abolished the probationary, “at-will” period of new teacher employment. No other state assigns teacher termination and disciplinary decisions to a third-party adjudicator, and then denies the right of the parties to appeal and judicial review. No other area of Iowa administrative law so severely limits the use of hearsay evidence in agency proceedings as is provided in House File 2645.

Iowans from all walks of life have registered their concerns about House File 2645, and we have listened to those concerns. In addition to the nearly 6,000 citizens who have offered their opinions in e-mails, letters and telephone calls, the Lt. Governor and I, along with our senior staff members, have collectively engaged in more than thirty meetings with individuals representing labor and management and elected officials from all public sectors: state, county and city governments; school districts and community colleges; municipal utilities and rural water districts. Our office has sought and received the counsel of some of Iowa’s most experienced and respected public sector collective bargaining negotiators—from both the management and the public employee sides of the table.

That Iowans are concerned about the particular approach to change that House File 2645 represents does not mean that present laws should not be reformed. Indeed, in the course of our intensive review of this bill with stakeholders and citizens, we have become more convinced than ever before that, after full public debate and discussion, modifications to existing law under chapter 20 should be seriously considered to include additional areas of mandatory bargaining, such as discipline and discharge issues and matters related to worker safety.

Iowa's public sector labor law now comprises a rich, complex fabric, woven of many threads, both visible and invisible, that reach from the dome of the state capitol to every corner of the state. A sudden pull on a single thread of any fabric, if one is not careful, may render more destruction to it than a tailor ever intended. So, too, care must be taken not to inflict unintended adverse harms in a rush to modify complex laws and practices.

After this careful review of the bill, we understand what is right, and what is wrong, with it. Some people had urged this Administration to stitch together a compromise agreement in the closing days of the legislative session. We determined, however, that there was no common thread of sufficient strength, no shared understanding of sufficient breadth, to patch this bill together in a new way that would satisfy stakeholders and protect taxpayers, alike.

Further, we were determined not to replace one flawed, rushed legislative process that largely excluded the public with another, essentially closed, negotiation process, in an effort to draft yet another substitute bill. Iowa taxpayers would understandably have been wary of any sudden compromise that appeared to have been merely the result of political expediency rather than the end product of a careful, principled, deliberative legislative review conducted in the full light of day.

For all these reasons, I hereby disapprove and transmit to you, without my signature, House File 2645, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", with a long, sweeping flourish extending to the right.

Chester J. Culver  
Governor

cc: Secretary of the Senate  
Chief Clerk of the House

CJC: jcl



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 ~~publie~~ 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 7 Wages.

b. hours 7 Hours, including the establishment of work shifts and schedules and procedures and criteria for assigning work shifts and schedules.

c. vacations 7 Vacations.

d. insurance 7 Insurance, including the determination of the health insurance carrier.

e. holidays 7 Holidays.

f. leaves Leaves of absence, including cash payments for accumulated leave.

g. shift Shift differentials 7.

- 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' performance of services in addition to their regular services to the public employer.
- j. seniority Seniority.
- k. transfer Transfer procedures.
- l. job Job classifications.
- m. health Health and safety matters.
- n. evaluation Evaluation procedures, including the frequency of evaluations, the method of evaluation, evaluation forms and other evaluation instruments, evaluation criteria, the purposes for and use of evaluations, and remedial and employee performances improvement plans and procedures.
- o. procedures Procedures for staff reduction.
- p. in-service In-service training and other matters mutually-agreed-upon.
- q. Preparation time.
- r. Class size.
- s. Discipline and discharge, including grounds for discharge and imposition of other discipline, levels and types of disciplinary measures, and procedures for resolving disputes.
- t. Work uniforms and equipment and other required work clothing and equipment, including allowances for uniforms and equipment and other required work clothing and equipment.
- u. Staffing levels.
- v. Retirement systems not excluded from negotiations pursuant to subsection 4.
- w. Other terms and conditions of employment except as provided in subsection 4.

2. Negotiations shall also include terms authorizing dues checkoff for members of the employee organization and grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties. If an agreement provides for dues checkoff, a member's dues may be checked off only upon the member's written request and the member may terminate the dues checkoff at any time by giving thirty days' written notice.



Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession.

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Interfere, restrain, or coerce a public employer with respect to rights granted in this chapter or with respect to selecting a representative for the purposes of negotiating collectively ~~on~~ or the adjustment of grievances.

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

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

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

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

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

1. Proceedings against a party alleging a violation of section 20.10~~7~~ shall be commenced by filing a complaint with the board within ninety days of the alleged violation, causing a copy of the complaint to be served upon the accused party ~~in the manner of an original notice as provided in this chapter~~. The accused party shall have ten days within which to file a written answer to the complaint. However, the board may conduct a preliminary investigation of the alleged violation, and if the board determines that the complaint has no basis in fact, the board may dismiss the complaint. The board shall promptly thereafter set a time and place for hearing in the county where the alleged violation occurred, provided, however, that the presiding officer may conduct the hearing through the use of technology from a remote location if the parties so agree or if witness demeanor will not be a substantial factor in resolving any disputed factual issues.



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

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

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

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

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

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

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

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

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

Sec. 19. Section 20.15, subsections 1, 2, and 6, Code 2007, are amended to read as follows:

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

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

6. A petition for certification as an exclusive bargaining representative, or a petition for decertification of a certified bargaining representative, shall not be considered by the board for a period of one year from the date of the certification or noncertification of an employee organization as an exclusive bargaining representative or. The board shall also not consider a petition for certification as an exclusive bargaining representative or a petition for decertification of an exclusive bargaining representative during the duration of a collective bargaining agreement which, for purposes of this section, shall be deemed not to exceed two years. A collective bargaining agreement with the state, its boards, commissions, departments, and agencies shall be for two years and the provisions of a collective bargaining agreement ~~except~~



~~agreements-agreed-to-or-tentatively-agreed-to-prior-to-July-1,~~  
~~1977,~~ or ~~arbitrators'~~ arbitrator's award affecting state employees shall not provide for renegotiations which would require the refinancing of salary and fringe benefits for the second year of the term of the agreement, except as provided in section 20.17, subsection 6, and the effective date of any such agreement shall be July 1 of odd-numbered years, provided that if an exclusive bargaining representative is certified on a date which will prevent the negotiation of a collective bargaining agreement prior to July 1 of odd-numbered years for a period of two years, the certified collective bargaining representative may negotiate a one-year contract with ~~a~~ the public employer which shall be effective from July 1 of the even-numbered year to July 1 of the succeeding odd-numbered year when new contracts shall become effective. However, if a petition for decertification is filed during the duration of a collective bargaining agreement, the board shall award an election under this section not more than one hundred eighty days nor less than one hundred fifty days prior to the expiration of the collective bargaining agreement. If an employee organization is decertified, the board may receive petitions under section 20.14, provided that no such petition and no election conducted pursuant to such petition within one year from decertification shall include as a party the decertified employee organization.

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

3. Negotiating sessions, strategy meetings of public employers ~~or-employee-organizations~~, mediation, and the deliberative process of arbitrators shall be exempt from the provisions of chapter 21. However, the employee organization shall present its initial bargaining position to the public employer at the first bargaining session. The public employer shall present its initial bargaining position to the employee organization at the second bargaining session, which shall be held no later than two weeks following the first bargaining session. Both sessions shall be open to the public and subject to the provisions of chapter 21. Parties who by agreement are utilizing a cooperative alternative bargaining process may exchange their respective initial interest

statements in lieu of initial bargaining positions at these open sessions. Hearings conducted by arbitrators shall be open to the public.

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

6. No A collective bargaining agreement or ~~arbitrators' decision~~ arbitrator's award shall not be valid or enforceable if its implementation would be inconsistent with any statutory limitation on the public employer's funds, spending or budget, or would substantially impair or limit the performance of any statutory duty by the public employer. A collective bargaining agreement or ~~arbitrators' decision~~ arbitrator's award may provide for benefits conditional upon specified funds to be obtained by the public employer, but the agreement shall provide either for automatic reduction of such conditional benefits or for additional bargaining if the funds are not obtained or if a lesser amount is obtained.

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

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

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

11. a. In the absence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date, public employees represented by a certified employee organization who are teachers licensed under chapter 272 and who are employed by a public employer which is a school district or area education agency shall complete the



negotiation of a proposed collective bargaining agreement not later than May 31 of the year when the agreement is to become effective. The board shall provide, by rule, a date on which impasse items in such cases must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed collective bargaining agreements not later than May 31. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of May 31 to ensure that the ~~arbitrators'-decision~~ arbitrator's award can be reasonably made before by May 31.

b. ~~If-the-public-employer-is-a-community-college,~~ the following apply:

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

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

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

An agreement with an employee organization which is the exclusive representative of public employees in an appropriate unit may provide procedures for the consideration of public employee and employee organization grievances ~~and-of-disputes~~ over the interpretation and application of agreements. Negotiated procedures may provide for binding arbitration of public employee and employee organization grievances ~~and-of-disputes~~ over the interpretation and application of existing agreements. An arbitrator's decision on a grievance may not change or amend the terms, conditions or applications of the collective bargaining agreement. Such procedures shall provide for the invoking of arbitration only with the approval of the employee organization in all instances, and in the case of an employee grievance, only with the additional approval of the public employee. The costs of arbitration shall be shared equally by the parties.

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

20.19 IMPASSE PROCEDURES -- AGREEMENT OF PARTIES.

1. As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred twenty days prior to the certified budget submission date of the public employer. However, if public employees represented by the employee organization are teachers licensed under chapter 272, and the public employer is a school district or area education agency, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is a community college, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is not subject to the budget certification requirements of section 24.17 and other applicable sections of the Code, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to a



date agreed upon by the public employer and the employee organization or, if no date is agreed upon, May 31 of the year when the collective bargaining agreement is to be effective.

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

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

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

20.20 MEDIATION.

In the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to the certified budget submission date, or one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective if public employees represented by the employee organization are teachers licensed under chapter 272 and the public employer is a school district or area education agency, the board shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator. If the public employer is a community college or is not subject to the budget certification requirements of section 24.17 and other applicable sections of the Code, and in the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective, the board, upon the request of either party, shall appoint an impartial and disinterested person to act as mediator. It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator may not compel the parties to agree.

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

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

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

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

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

2. Each party shall ~~submit-to-the-board~~ serve its final offer on each of the impasse items upon the other party within



four days of the board's receipt of the request a-final-offer on-the-impasse-items-with-proof-of-service-of-a-copy-upon-the other-party for arbitration. Each-party-shall-also-submit-a copy-of-a-draft-of-the-proposed-collective-bargaining agreement-to-the-extent-to-which-agreement-has-been-reached and-the-name-of-its-selected-arbitrator. The parties may continue to negotiate all offers until an agreement is reached or a-decision an award is rendered by the panel-of-arbitrators arbitrator.

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

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

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

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

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

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

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

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

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

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

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

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

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

12. The selections by the ~~panel-of-arbitrators~~ arbitrator and items agreed upon by the public employer and the employee



organization, shall be deemed to be the collective bargaining agreement between the parties.

13. The determination of the ~~panel-of-arbitrators-shall-be~~ arbitrator shall be final and binding subject to the provisions of section 20.17, subsection 6. The ~~panel-of-arbitrators~~ arbitrator shall give written explanation for ~~its-selection~~ the arbitrator's selections and inform the parties of ~~its~~ the decision.

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

20.24 NOTICE AND SERVICE.

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

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

412.1 AUTHORITY TO ESTABLISH SYSTEM.

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

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

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

The terms of employment of personnel, for the academic year following the effective date of the agreement to combine the merged areas shall not be affected by the combination of the merged areas, except in accordance with the procedures under sections 279.15 ~~to 279.18~~ through 279.16 and section 279.24, to the extent those procedures are applicable, or under the terms of the base bargaining agreement. The authority and responsibility to offer new contracts or to continue, modify, or terminate existing contracts pursuant to any applicable procedures under chapter 279, shall be transferred to the acting, and then to the new, board of the combined merged area upon certification of a favorable vote to each of the merged areas affected by the agreement. The collective bargaining agreement of the merged area receiving the greatest amount of general state aid shall serve as the base agreement for the combined merged area and the employees of the merged areas which combined to form the new combined merged area shall automatically be accreted to the bargaining unit from that former merged area for purposes of negotiating the contracts for the following years without further action by the public employment relations board. If only one collective bargaining agreement is in effect among the merged areas which are combining under this section, then that agreement shall serve as the base agreement, and the employees of the merged areas which are combining to form the new combined merged area shall automatically be accreted to the bargaining unit of that former merged area for purposes of negotiating the contracts for the following years without further action by the public employment relations board. The board of the combined merged area, using the base agreement as its existing contract, shall bargain with the combined employees of the merged areas that have agreed to combine for the academic year beginning with the effective date of the agreement to combine merged areas. The bargaining shall be completed by March 15 prior to the academic year in which the agreement to combine merged areas becomes effective or within one hundred eighty days after the organization of the acting board of the new combined merged area, whichever is later. If a bargaining agreement was



already concluded in the former merged area which has the collective bargaining agreement that is serving as the base agreement for the new combined merged area, between the former merged area board and the employees of the former merged area, that agreement is void, unless the agreement contained multiyear provisions affecting academic years subsequent to the effective date of the agreement to form a combined merged area. If the base collective bargaining agreement contains multiyear provisions, the duration and effect of the agreement shall be controlled by the terms of the agreement. The provisions of the base agreement shall apply to the offering of new contracts, or the continuation, modification, or termination of existing contracts between the acting or new board of the combined merged area and the combined employees of the new combined merged area.

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

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

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

1. The terms of employment of superintendents, principals, and teachers, for the school year following the effective date of the formation of the new district shall not be affected by the formation of the new district, except in accordance with the provisions of sections 279.15 ~~to-279.18~~ through 279.16 and 279.24 and the authority and responsibility to offer new

contracts or to continue, modify, or terminate existing contracts pursuant to sections 279.12, 279.13, 279.15 to 279.21, 279.23, and 279.24 for the school year beginning with the effective date of the reorganization shall be transferred from the boards of the existing districts to the board of the new district on the third Tuesday of January prior to the school year the reorganization is effective.

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

3. If the provisions of a contract executed or automatically renewed under this section conflict with a collective bargaining agreement negotiated under chapter 20 ~~and-effective-when-the-contract-is-executed-or-renewed~~, the provisions of the collective bargaining agreement shall prevail.

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

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

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

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

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

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



Sec. 45. NEW SECTION. 279.15A TERMINATION PROCEDURES -- SCHOOL BOARD MEETING -- REQUEST FOR PRIVATE HEARING.

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

2. If the teacher requests a private meeting, the board shall, within five days of the receipt of the request, deliver to the teacher, in writing, notice of declination to meet with the teacher, or notice of a time and place for the meeting with the board which meeting shall be exempt from the requirements of chapter 21. If the board declines to meet with teacher, the parties shall immediately proceed under section 279.16. The private meeting, if agreed to by the board, shall be held no later than fifteen days from receipt of the request for the private meeting. At the meeting, the superintendent shall have the opportunity to discuss with the board the reasons for the issuance of the notice. The teacher, or the teacher's representative, shall be given an opportunity to respond. At the conclusion of the meeting, the board of directors and the teacher may enter into a mutually agreeable resolution to the recommendation of termination. If no resolution is reached by the parties, the board shall immediately meet in open session, and, by majority roll call vote, either reject or support the superintendent's recommendation. If the recommendation is rejected, the teacher's continuing contract shall remain in force and effect. If the recommendation is supported, the parties shall immediately proceed under section 279.16.

3. If the teacher does not request a private meeting or private hearing pursuant to this section, the board may

determine the continuance, discontinuance, or termination of the contract and, if the board determines to continue the teacher's contract, whether to suspend the teacher with or without pay for a period specified by the board. Board action shall be by majority roll call vote entered on the minutes of the meeting. The board shall make a determination as expeditiously as possible, or, for a termination of contract pursuant to section 279.15, not later than May 31. Notice of board action shall be personally delivered or mailed to the teacher.

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

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

279.16 PRIVATE HEARING -- DECISION -- RECORD.

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

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



3. The participants at the private hearing requested pursuant to section 279.15A shall be-at-least-a-majority-of the-members-of-the-board, their-legal-representatives, if-any, include the superintendent, the superintendent's designated representatives, if any, the teacher's immediate supervisor, the teacher, the teacher's representatives, if any, and the witnesses for the parties. The evidence at the private hearing shall be limited to the specific reasons stated in the superintendent's notice of recommendation of termination. No Hearsay evidence shall not form a sufficient basis for termination. A participant in the hearing shall not be liable for any damages to any person if any statement at the hearing is determined to be erroneous as long as the statement was made in good faith. The superintendent shall present evidence and argument on all issues involved and the teacher may cross-examine, respond, and present evidence and argument in the teacher's behalf relevant to all issues involved. Evidence may be by stipulation of the parties and informal settlement may be made by stipulation, consent, or default or by any other method agreed upon by the parties in writing. ~~The-board-shall-employ-a-certified-shorthand-reporter-to-keep-a-record-of-the-private-hearing.--The-proceedings-or-any-part thereof-shall-be-transcribed-at-the-request-of-either-party with-the-expense-of-transcription-charged-to-the-requesting party.~~

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

~~3.~~ 5. In case a witness is duly subpoenaed and refuses to attend, or in case a witness appears and refuses to testify or to produce required books or papers, the ~~board~~ adjudicator shall, in writing, report such refusal to the district court of the county in which the administrative office of the school district is located, and the court shall proceed with the

person or witness as though the refusal had occurred in a proceeding legally pending before the court.

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

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

~~6.--If-the-teacher-fails-to-timely-request-a-private hearing-or-does-not-appear-at-the-private-hearing, the-board may-proceed-and-make-a-determination-upon-the-superintendent's recommendation.--If-the-teacher-fails-to-timely-file-a-request for-a-private-hearing, the-determination-shall-be-not-later than-May-31.--If-the-teacher-fails-to-appear-at-the-private hearing, the-determination-shall-be-not-later-than-five-days after-the-scheduled-date-for-the-private-hearing.--The-board shall-convene-in-open-session-and-by-roll-call-vote-determine the-termination-or-continuance-of-the-teacher's-contract-and, if-the-board-votes-to-continue-the-teacher's-contract, whether to-suspend-the-teacher-with-or-without-pay-for-a-period specified-by-the-board.~~

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

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

~~a.--All-pleadings, motions-and-intermediate-rulings.~~

~~b.--All-evidence-received-or-considered-and-all-other submissions.~~

~~c.--A-statement-of-all-matters-officially-noticed.~~

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

~~e.--All-findings-and-exceptions.~~



~~f.--Any decision, opinion, or conclusion by the board.  
g.--Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record.~~

9. 8. The decision of the board adjudicator shall be in writing and ~~shall include findings of fact and conclusions of law, separately stated~~ contain a determination of whether a preponderance of evidence supports a finding that just cause exists for the termination of the teacher's continuing contract. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts and supporting the findings. Each conclusion of law shall be supported by cited authority or by reasoned opinion. The adjudicator shall issue a decision within a reasonable time following the hearing. The adjudicator shall make a specific determination of whether the teacher's continuing contract should be terminated for just cause, or whether a sanction less severe than termination of the teacher's contract is appropriate. The adjudicator shall immediately mail a copy of the decision to the board, the superintendent, and the teacher. The decision of the adjudicator is final.

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

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

279.19. BEGINNING TEACHERS.

If a teacher receiving a notice under section 279.15 is a beginning teacher, as defined in section 284.2, the provisions of sections 279.15, 279.15A, and 279.16 shall apply. In addition to the powers and duties of the adjudicator as provided in section 279.16, the adjudicator shall also determine, if the teacher is a beginning teacher, whether the

teacher has sufficiently demonstrated competency under the standards listed in section 284.3, subsection 1. If the determination of the adjudicator is that such competency has been established, the determination shall be communicated to the board of educational examiners created in section 272.2, which shall then issue a standard license to the teacher, notwithstanding any provision in section 284.5, subsection 6, to the contrary.

Sec. 48. Section 279.27, Code 2007, is amended to read as follows:

279.27 DISCHARGE OF TEACHER.

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

Sec. 49. Section 279.40, unnumbered paragraph 5, Code 2007, is amended by striking the unnumbered paragraph.

Sec. 50. Section 279.46, Code 2007, is amended to read as follows:

279.46 RETIREMENT INCENTIVES -- TAX.

~~The~~ If a school district and an employee organization representing employees of the school district have not negotiated an early retirement incentive plan pursuant to chapter 20, the board of directors of a school district may adopt a program for payment of a monetary bonus, continuation of health or medical insurance coverage, or other incentives for encouraging its employees to retire before the normal retirement date as defined in chapter 97B. The program is available only to employees who notify the board of directors prior to April 1 of the fiscal year that they intend to retire



not later than the start of the next following school calendar. The age at which employees shall be designated eligible for the program shall be at the discretion of the board. An employee retiring under this section may apply for a retirement allowance under chapter 97B or chapter 294. The board may include in the district management levy an amount to pay the total estimated accumulated cost to the school district of the health or medical insurance coverage, bonus, or other incentives for employees within the age range of fifty-five to sixty-five years of age who retire under this section.

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

a. (1) For purposes of comprehensive evaluations for beginning teachers required to allow beginning teachers to progress to career teachers, standards and criteria that are the Iowa teaching standards specified in subsection 1 and the criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, subsection 50. These standards and criteria shall be set forth in an instrument provided by the department. ~~The-comprehensive-evaluation-and-instrument-are-not-subject-to-negotiations-or-grievance-procedures-pursuant-to-chapter-20-or-determinations-made-by-the-board-of-directors-under-section-279-14.~~ A local school board and its certified bargaining representative may negotiate, pursuant to chapter 20, evaluation and grievance procedures for beginning teachers that are not in conflict with this chapter.

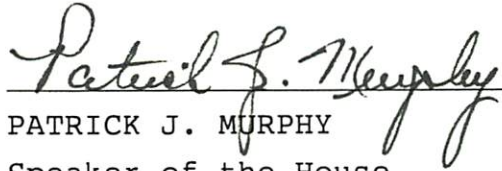
(2) If a school board determines that a beginning teacher fails to demonstrate competence in the Iowa teaching standards, the beginning teacher may appeal the decision to an adjudicator under the process established under section 279.16. ~~If, in accordance with section 279-19,~~ a beginning teacher appeals the determination ~~of a school board~~ to an adjudicator ~~under section 279-17,~~ the adjudicator selected shall have successfully completed training related to the Iowa teacher standards, the criteria adopted by the state board of education in accordance with subsection 3, and any additional training required under rules adopted by the public employment relations board in cooperation with the state board of education.

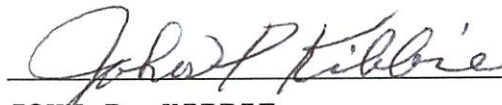
Sec. 52. Section 284.8, subsection 3, Code Supplement 2007, is amended to read as follows:

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


Sec. 53. Section 279.17, Code Supplement 2007, is repealed.

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

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

  
MARK BRANDSGARD  
Chief Clerk of the House

Approved \_\_\_\_\_, 2008

\_\_\_\_\_  
CHESTER J. CULVER  
Governor