

FEB 15 1990

Place On Calendar

HOUSE FILE 2440

BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 629)

Passed House, Date 2/21/90 (p 519) Passed Senate, Date _____

Vote: Ayes 63 Nays 33 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the duties of the board of educational
2 examiners, providing for alternative routes to licensing, and
3 defining which persons are teachers for purposes of
4 educational excellence programs.

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

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HF 2440

5227 1 Section 1. Section 256.7, subsection 15, Code Supplement
2 1989, is amended by striking the subsection.

5186 3 Sec. 2. Section 260.1, subsection 4, Code Supplement 1989,
4 is amended to read as follows:

5 4. "License" means the authority that is given to allow a
6 person to legally serve as a practitioner, a school, an
7 institution, or a course of study to legally offer
8 professional development programs, other than those programs
9 offered by practitioner preparation schools, institutions, or
10 courses of study, or area education agencies.

11 Sec. 3. Section 260.2, subsection 13, Code Supplement
12 1989, is amended by striking the subsection and inserting in
13 lieu thereof the following:

14 13. By January 1, 1993, adopt rules to provide for
15 nontraditional preparation options for licensing persons who
16 hold a bachelor's degree from an accredited college or
17 university, who do not meet other requirements for licensure.

18 Sec. 4. Section 260.5, Code Supplement 1989, is amended by
19 adding the following new unnumbered paragraph:

5206 20 NEW UNNUMBERED PARAGRAPH. The executive director of the
21 board shall receive a salary as provided in the pay plan for
22 executive branch agencies, plan 000, at grade forty-two.

23 Sec. 5. NEW SECTION. 260.9A ADMINISTRATIVE LICENSES.

24 The board of educational examiners shall adopt rules
25 relating to professional development programs for individuals
26 licensed or certificated as administrators of schools after
27 July 1, 1985. Successful completion of a professional
28 development program is required every five years before the
29 license is renewed by the board.

30 Sec. 6. NEW SECTION. 260.14 APPOINTMENT OF
31 ADMINISTRATIVE LAW JUDGES.

32 The board shall maintain a list of qualified persons who
33 are experienced in the educational system of this state to
34 serve as administrative law judges when a hearing is requested
35 under section 279.24. When requested under section 279.24,

1 the board shall submit a list of five qualified administrative
2 law judges to the parties. The parties shall select one of
3 the five qualified persons to conduct the hearing as provided
4 in section 279.24. The hearing shall be held pursuant to the
5 provisions of chapter 17A relating to contested cases. The
6 full costs of the hearing shall be shared equally by the
7 parties.

8 Sec. 7. NEW SECTION. 260.27 STUDENT TEACHING.

9 If the rules adopted by the board of educational examiners
10 for issuance of any type or class of license require an
11 applicant to complete work in student teaching, an accredited
12 college or university located within the state of Iowa and
13 states conterminous with Iowa may offer a program or programs
14 of teacher education approved by the director of the
15 department of education or the appropriate authority in states
16 conterminous with Iowa by entering into a written contract
17 with any accredited school district or private school, under
18 terms and conditions as agreed upon by the contracting
19 parties. Students actually teaching in a school district
20 under the terms of such a contract are entitled to the same
21 protection, under section 613A.8, as is afforded by that
22 section to officers and employees of the school district,
23 during the time they are so assigned.

24 Sec. 8. Section 260.31, Code Supplement 1989, is amended
25 to read as follows:

26 260.31 COACHING AUTHORIZATION.

27 1. The minimum requirements for the board to award a
28 coaching ~~license~~ authorization to an applicant are:

29 a. Successful completion of one semester credit hour or
30 ten contact hours in a course relating to knowledge and
31 understanding of the structure and function of the human body
32 in relation to physical activity.

33 b. Successful completion of one semester credit hour or
34 ten contact hours in a course relating to knowledge and
35 understanding of human growth and development of children and

1 youth in relation to physical activity.

2 c. Successful completion of two semester credit hours or
3 twenty contact hours in a course relating to knowledge and
4 understanding of the prevention and care of athletic injuries
5 and medical and safety problems relating to physical activity.

6 d. Successful completion of one semester credit hour or
7 ten contact hours relating to knowledge and understanding of
8 the techniques and theory of coaching interscholastic
9 athletics.

10 2. The board of educational examiners shall adopt rules
11 under chapter 17A for coaching ~~licenses~~ authorizations
12 including, but not limited to, approval of courses, validity
13 and expiration, fees, and suspension and revocation of
14 ~~licenses~~ authorizations. The state board of education shall
15 work with institutions of higher education, private colleges
16 and universities, merged area schools, and area education
17 agencies to ensure that the courses required under subsection
18 1 are offered throughout the state at convenient times and at
19 a reasonable cost.

20 Sec. 9. Section 260.34, Code Supplement 1989, is amended
21 to read as follows:

22 260.34 ELEMENTARY LICENSES.

23 The board of educational examiners in conjunction with the
24 child development coordinating council, or other similar
25 agency, shall develop appropriate licenses for teachers in the
26 early elementary grades, taking into consideration
27 recommendations from the child development coordinating
28 council or other similar agency, the center for early
29 development education, and teacher education personnel. Rules
30 adopted shall establish early childhood and early elementary
522731 certification or endorsement standards for teachers,
32 elementary school principals, licensed child care providers,
33 and administrators who work with children from three through
34 eight years of age, which shall require knowledge of aspects
35 of child development from birth through eight years of age.

1 Sec. 10. Section 279.24, Code 1989, is amended to read as
2 follows:

3 279.24 CONTRACT WITH ADMINISTRATORS -- AUTOMATIC
4 CONTINUATION OR TERMINATION.

5 An administrator's contract shall remain in force and
6 effect for the period stated in the contract. The contract
7 shall be automatically continued in force and effect for one
8 year beyond the end of its term, except as modified or
9 terminated by mutual agreement of the board of directors and
10 the administrator, or until terminated as hereinafter
11 provided.

12 An administrator may file a written resignation with the
13 secretary of the school board on or before May 1 of each year
14 or the date specified by the school board for return of the
15 contract, whichever date occurs first.

16 Administrators employed in a school district for less than
17 two consecutive years are probationary administrators.
18 However, a school board may waive the probationary period for
19 any administrator who has previously served a probationary
20 period in another school district and the school board may
21 extend the probationary period for an additional year with the
22 consent of the administrator. If a school board determines
23 that it should terminate a probationary administrator's
24 contract, the school board shall notify the administrator not
25 later than March 31 that the contract will not be renewed
26 beyond the current year. The notice shall be in writing by
27 letter, personally delivered, or mailed by certified mail.
28 The notification shall be complete when received by the
29 administrator. Within ten days after receiving the notice,
30 the administrator may request a private conference with the
31 school board to discuss the reasons for termination. The
32 school board's decision to terminate a probationary
33 administrator's contract shall be final unless the termination
34 was based upon an alleged violation of a constitutionally
35 guaranteed right of the administrator.

1 The school board may, by majority vote of the membership of
2 the school board, cause the contract of an administrator to be
3 terminated. If the school board determines that it should
4 consider the termination of a nonprobationary administrator's
5 contract, the following procedure shall apply:

6 On or before March 31, the administrator shall be notified
7 in writing by a letter personally delivered or mailed by
8 certified mail that the school board has voted to consider
9 termination of the contract. The notification shall be
10 complete when received by the administrator.

11 The notice shall state the specific reasons to be used by
12 the school board for considering termination which for all
13 administrators except superintendents shall be for just cause.

14 Within five days after receipt of the written notice that
15 the school board has voted to consider termination of the
16 contract, the administrator may request in writing to the
17 secretary of the school board that the notification be
18 forwarded to the professional-teaching-practices-commission
19 board of educational examiners along with a request that the
20 professional-teaching-practices-commission board of
21 educational examiners submit a list of five qualified
22 administrative law judges to the parties. Within three days
23 from receipt of the list the parties shall select an
24 administrative law judge by alternately removing a name from
25 the list until only one name remains. The person whose name
26 remains shall be the administrative law judge. The parties
27 shall determine by lot which party shall remove the first name
28 from the list. The hearing shall be held no sooner than ten
29 days and not later than thirty days following the
30 administrator's request unless the parties otherwise agree.
31 If the administrator does not request a hearing, the school
32 board, not later than April 15, may determine the continuance
33 or discontinuance of the contract. Board School board action
34 shall be by majority roll call vote entered on the minutes of
35 the meeting. Notice of school board action shall be

1 personally delivered or mailed to the administrator.

2 The administrative law judge selected shall notify the
3 secretary of the school board and the administrator in writing
4 concerning the date, time, and location of the hearing. The
5 school board may be represented by a legal representative, if
6 any, and the administrator shall appear and may be represented
7 by counsel or by representative, if any. A transcript or
8 recording shall be made of the proceedings at the hearing. A
9 school board member or administrator is not liable for any
10 damage to an administrator or school board member if a
11 statement made at the hearing is determined to be erroneous as
12 long as the statement was made in good faith.

13 The administrative law judge shall, within ten days
14 following the date of the hearing, make a proposed decision as
15 to whether or not the administrator should be dismissed, and
16 shall give a copy of the proposed decision to the
17 administrator and the school board. Findings of fact shall be
18 prepared by the administrative law judge. The proposed
19 decision of the administrative law judge shall become the
20 final decision of the school board unless within ten days
21 after the filing of the decision the administrator files a
22 written notice of appeal with the school board, or the school
23 board on its own motion determines to review the decision.

24 If the administrator appeals to the school board, or if the
25 school board determines on its own motion to review the
26 proposed decision of the administrative law judge, a private
27 hearing shall be held before the school board within five days
28 after the petition for review, or motion for review, has been
29 made or at such other time as the parties agree. The private
30 hearing is not subject to chapter 21. The school board may
31 hear the case de novo upon the record as submitted before the
32 administrative law judge. In cases where there is an appeal
33 from a proposed decision or where a proposed decision is
34 reviewed on motion of the school board, an opportunity shall
35 be afforded to each party to file exceptions, present briefs

1 and present oral arguments to the school board which is to
2 render the final decision. The secretary of the school board
3 shall give the administrator written notice of the time,
4 place, and date of the hearing. The school board shall meet
5 within five days after the hearing to determine the question
6 of continuance or discontinuance of the contract. The school
7 board shall make findings of fact which shall be based solely
8 on the evidence in the record and on matters officially
9 noticed in the record.

10 The decision of the school board shall be in writing and
11 shall include findings of fact and conclusions of law,
12 separately stated. Findings of fact, if set forth in
13 statutory language, shall be accompanied by a concise and
14 explicit statement of the underlying facts and supporting the
15 findings. Each conclusion of law shall be supported by cited
16 authority or by reasoned opinion.

17 When the school board has reached a decision, opinion, or
18 conclusion, it shall convene in open meeting and by roll call
19 vote determine the continuance or discontinuance of the
20 administrator's contract. The record of the private
21 conference and findings of fact and exceptions shall be exempt
22 from the provisions of chapter 22. The secretary of the
23 school board shall immediately personally deliver or mail
24 notice of the school board's action to the administrator.

25 The administrator may within thirty days after notification
26 by the school board of discontinuance of the contract appeal
27 to the district court of the county in which the
28 administrative office of the school district is located.

29 The court may affirm the ~~board~~ school board's action. The
30 court shall reverse, modify, or grant any other appropriate
31 relief from the ~~board~~ school board's action, equitable or
32 legal, and including declaratory relief, if substantial rights
33 of the administrator have been prejudiced because the ~~board~~
34 school board's action is any of the following:

35 1. In violation of constitutional or statutory provisions.

1 2. In excess of the statutory authority of the school
2 board.

3 3. In violation of school board policy or rule.

4 4. Made upon unlawful procedure.

5 5. Affected by other error of law.

6 6. Unsupported by a preponderance of the evidence in the
7 record made before the school board when that record is
8 reviewed as a whole.

9 7. Unreasonable, arbitrary, or capricious, or
10 characterized by an abuse of discretion or clearly unwarranted
11 exercise of discretion.

12 Sec. 11. Section 284.1, article III, subsections 1 and 5,
13 Code 1989, are amended to read as follows:

14 1. The designated state official of a party state may make
15 one or more contracts on behalf of that state with one or more
16 other party states providing for the acceptance of educational
17 personnel. Any such contract for the period of its duration
18 shall be applicable to and binding on the states whose
19 designated state officials enter into it, and the subdivisions
20 of those states, with the same force and effect as if
21 incorporated in this agreement. A designated state official
22 may enter into a contract pursuant to this article only with
23 states in which the official finds that there are programs of
24 education, ~~certification~~ licensure standards or other
25 acceptable qualifications that assure preparation or
26 qualification of educational personnel on a basis sufficiently
27 comparable, even though not identical to that prevailing in
28 the official's state.

29 5. The ~~certification~~ license or other acceptance of a
30 person who has been accepted pursuant to the terms of a
31 contract shall not be revoked or otherwise impaired because
32 the contract has expired or been terminated. However, any
33 ~~certificate~~ license or other qualifying document may be
34 revoked or suspended on any ground which would be sufficient
35 for revocation or suspension of a ~~certificate~~ license or other

1 qualifying document initially granted or approved in the
2 receiving state.

3 Sec. 12. Section 284.2, Code 1989, is amended to read as
4 follows:

5 284.2 DESIGNATED STATE OFFICIAL.

6 The designated state official for this state, within the
7 meaning of article II, paragraph 2, of the interstate
8 agreement on qualification of educational personnel as set
9 forth in section 284.1, shall be the executive director of the
10 department-of-education board of educational examiners. The
11 executive director shall enter into contracts pursuant to
12 article III of the agreement only with the approval of the
13 specific text thereof by the state board of education
14 educational examiners.

15 Sec. 13. Section 284.3, Code 1989, is amended to read as
16 follows:

17 284.3 CONTRACTS ON FILE.

18 True copies of all contracts made on behalf of this state
19 pursuant to the interstate agreement on qualification of
20 educational personnel shall be kept on file in by the
21 department-of-education board of educational examiners and in
22 the office of the secretary of state. The department-of
23 education board of educational examiners shall publish all
24 such contracts in convenient form. The board of educational
25 examiners may adopt rules pursuant to this chapter.

26 Sec. 14. Section 294A.2, subsection 3, Code Supplement
27 1989, is amended to read as follows:

28 3. "General training requirements" means requirements
29 prescribed by a board of directors that provide for the
30 acquisition of additional semester hours of graduate credit
31 from an institution of higher education approved by the state
32 board of education or the completion of staff development
33 activities licensed by the board of educational examiners,
34 except for programs developed by practitioner preparation
35 institutions and area education agencies, for renewal of

1 licenses issued under chapter 260.

2 Sec. 15. Section 294A.2, subsection 5, unnumbered
3 paragraph 2, Code Supplement 1989, is amended to read as
4 follows:

5 Effective July 1, 1988, "teacher" includes an a licensed
6 individual employed on less than a full-time basis by a school
7 district through a contract between the school district and an
8 institution of higher education with a practitioner
9 preparation program in which the licensed teacher is enrolled
10 in a-graduate any practitioner preparation program.

11 EXPLANATION

12 This bill strikes the Code provisions which allow for
13 alternative training procedures and programs for persons who
14 do not possess a regular practitioner's license and replaces
15 them with authority, delegated to the board of educational
16 examiners, to provide for nontraditional routes to licensure.
17 The bill changes the definition of teacher under the educa-
18 tional excellence program to include those persons who,
19 through a contract between a school district and a higher
20 education institution, are attending any practitioner prepara-
21 tion program. The bill removes the authority of the board to
22 license professional development programs offered by area
23 education agencies. The salary of the executive director of
24 the board has been set at pay grade forty-two of the executive
25 pay plan. Administrators who are licensed or certificated
26 after July 1, 1985, will now be covered by professional
27 development program rules adopted by the board. The board
28 will now assume the duty previously held by the professional
29 teaching practices commission, which was repealed in 1989,
30 relating to maintaining a list of administrative law judges
31 for administrator termination hearings. Student teachers will
32 again have the same status as other school officers and
33 employees under section 613A.8.

34 Duties relating to the setting of licensing standards for
35 early childhood and early elementary licensing standards have

1 been transferred to the board of educational examiners.
2 Duties relating to interstate licensing compacts have been
3 transferred to the board.

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HOUSE FILE 2440

H-5186

- 1 Amend House File 2440 as follows:
- 2 1. Page 1, by inserting after line 2 the fol-
- 3 lowing:
- 4 "Sec. ____ . Section 256.11A, subsection 2, Code
- 5 Supplement 1989, is amended to read as follows:
- 6 2. Schools and school districts are not required
- 7 to meet the requirement stated in the standards
- 8 adopted by the state board under section 256.17, Code
- 9 Supplement 1987, that prohibits an individual who is
- 10 employed or contracted as superintendent from also
- 11 serving as a principal in that school or school
- 12 district until ~~July 17, 1990, except as otherwise~~
- 13 ~~provided in this subsection. Not later than January~~
- 14 ~~17, 1990, for the school year beginning July 17, 1990,~~
- 15 ~~the board of directors of a school district or~~
- 16 ~~authorities in charge of a nonpublic school, may file~~
- 17 ~~a written request with the department of education~~
- 18 ~~that the department waive the requirement for that~~
- 19 ~~district or school. The procedures specified in~~
- 20 ~~subsection 5 apply to the request."~~
- 21 2. By numbering and renumbering as necessary.

By IVERSON of Wright

H-5186 FILED FEBRUARY 19, 1990

Adopted 2/19/90 (p. 518)

HOUSE FILE 2440

H-5206

- 1 Amend House File 2440, as follows:
- 2 1. Page 1, by striking lines 20 through 22, and
- 3 inserting the following:
- 4 "NEW UNNUMBERED PARAGRAPH. The board of
- 5 educational examiners shall set the salary of the
- 6 executive director within the range established for
- 7 the position by the general assembly."

By HARPER of Black Hawk

H-5206 FILED FEBRUARY 19, 1990

Adopted 2/19/90 (p. 517)

HOUSE FILE 2440

H-5227

- 1 Amend House File 2440 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 256.7, subsection 13, Code
- 5 Supplement 1989, is amended by striking the
- 6 subsection."
- 7 2. Page 3, line 31, by striking the word
- 8 "certification" and inserting the following:
- 9 "licensing".
- 0 3. By renumbering as necessary.

By HARPER of Black Hawk

H-5227 FILED FEBRUARY 20, 1990

Adopted 2/20/90 (p. 517)

HOUSE FILE 2440
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 629)

(As Amended and Passed by the House February 21, 1990)

<sup>per
6/29</sup>
As Passed House, Date 4/5/90 (p. 2089) Passed Senate, Date 4/5/90 (p. 1557)
Vote: Ayes 91 Nays 0 Vote: Ayes 37 Nays 10
Approved May 6, 1990

A BILL FOR

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House Amendments _____

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7 understanding of the prevention and care of athletic injuries
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28 the list until only one name remains. The person whose name
29 remains shall be the administrative law judge. The parties
30 shall determine by lot which party shall remove the first name
31 from the list. The hearing shall be held no sooner than ten
32 days and not later than thirty days following the
33 administrator's request unless the parties otherwise agree.
34 If the administrator does not request a hearing, the school
35 board, not later than April 15, may determine the continuance

1 or discontinuance of the contract. Board School board action
2 shall be by majority roll call vote entered on the minutes of
3 the meeting. Notice of school board action shall be
4 personally delivered or mailed to the administrator.

5 The administrative law judge selected shall notify the
6 secretary of the school board and the administrator in writing
7 concerning the date, time, and location of the hearing. The
8 school board may be represented by a legal representative, if
9 any, and the administrator shall appear and may be represented
10 by counsel or by representative, if any. A transcript or
11 recording shall be made of the proceedings at the hearing. A
12 school board member or administrator is not liable for any
13 damage to an administrator or school board member if a
14 statement made at the hearing is determined to be erroneous as
15 long as the statement was made in good faith.

16 The administrative law judge shall, within ten days :
17 following the date of the hearing, make a proposed decision as
18 to whether or not the administrator should be dismissed, and
19 shall give a copy of the proposed decision to the
20 administrator and the school board. Findings of fact shall be
21 prepared by the administrative law judge. The proposed
22 decision of the administrative law judge shall become the
23 final decision of the school board unless within ten days
24 after the filing of the decision the administrator files a
25 written notice of appeal with the school board, or the school
26 board on its own motion determines to review the decision.

27 If the administrator appeals to the school board, or if the
28 school board determines on its own motion to review the
29 proposed decision of the administrative law judge, a private
30 hearing shall be held before the school board within five days
31 after the petition for review, or motion for review, has been
32 made or at such other time as the parties agree. The private
33 hearing is not subject to chapter 21. The school board may
34 hear the case de novo upon the record as submitted before the
35 administrative law judge. In cases where there is an appeal

1 from a proposed decision or where a proposed decision is
2 reviewed on motion of the school board, an opportunity shall
3 be afforded to each party to file exceptions, present briefs
4 and present oral arguments to the school board which is to
5 render the final decision. The secretary of the school board
6 shall give the administrator written notice of the time,
7 place, and date of the hearing. The school board shall meet
8 within five days after the hearing to determine the question
9 of continuance or discontinuance of the contract. The school
10 board shall make findings of fact which shall be based solely
11 on the evidence in the record and on matters officially
12 noticed in the record.

13 The decision of the school board shall be in writing and
14 shall include findings of fact and conclusions of law,
15 separately stated. Findings of fact, if set forth in
16 statutory language, shall be accompanied by a concise and
17 explicit statement of the underlying facts and supporting the
18 findings. Each conclusion of law shall be supported by cited
19 authority or by reasoned opinion.

20 When the school board has reached a decision, opinion, or
21 conclusion, it shall convene in open meeting and by roll call
22 vote determine the continuance or discontinuance of the
23 administrator's contract. The record of the private
24 conference and findings of fact and exceptions shall be exempt
25 from the provisions of chapter 22. The secretary of the
26 school board shall immediately personally deliver or mail
27 notice of the school board's action to the administrator.

28 The administrator may within thirty days after notification
29 by the school board of discontinuance of the contract appeal
30 to the district court of the county in which the
31 administrative office of the school district is located.

32 The court may affirm the board school board's action. The
33 court shall reverse, modify, or grant any other appropriate
34 relief from the board school board's action, equitable or
35 legal, and including declaratory relief, if substantial rights

1 of the administrator have been prejudiced because the board
2 school board's action is any of the following:

3 1. In violation of constitutional or statutory provisions.

4 2. In excess of the statutory authority of the school
5 board.

6 3. In violation of school board policy or rule.

7 4. Made upon unlawful procedure.

8 5. Affected by other error of law.

9 6. Unsupported by a preponderance of the evidence in the
10 record made before the school board when that record is
11 reviewed as a whole.

12 7. Unreasonable, arbitrary, or capricious, or
13 characterized by an abuse of discretion or clearly unwarranted
14 exercise of discretion.

15 Sec. 12. Section 284.1, article III, subsections 1 and 5,
16 Code 1989, are amended to read as follows:

17 1. The designated state official of a party state may make
18 one or more contracts on behalf of that state with one or more
19 other party states providing for the acceptance of educational
20 personnel. Any such contract for the period of its duration
21 shall be applicable to and binding on the states whose
22 designated state officials enter into it, and the subdivisions
23 of those states, with the same force and effect as if
24 incorporated in this agreement. A designated state official
25 may enter into a contract pursuant to this article only with
26 states in which the official finds that there are programs of
27 education, certification licensure standards or other
28 acceptable qualifications that assure preparation or
29 qualification of educational personnel on a basis sufficiently
30 comparable, even though not identical to that prevailing in
31 the official's state.

32 5. The certification license or other acceptance of a
33 person who has been accepted pursuant to the terms of a
34 contract shall not be revoked or otherwise impaired because
35 the contract has expired or been terminated. However, any

1 ~~certificate~~ license or other qualifying document may be
2 revoked or suspended on any ground which would be sufficient
3 for revocation or suspension of a ~~certificate~~ license or other
4 qualifying document initially granted or approved in the
5 receiving state.

6 Sec. 13. Section 284.2, Code 1989, is amended to read as
7 follows:

8 284.2 DESIGNATED STATE OFFICIAL.

9 The designated state official for this state, within the
10 meaning of article II, paragraph 2, of the interstate
11 agreement on qualification of educational personnel as set
12 forth in section 284.1, shall be the executive director of the
13 ~~department-of-education~~ board of educational examiners. The
14 executive director shall enter into contracts pursuant to
15 article III of the agreement only with the approval of the
16 specific text thereof by the ~~state board of education~~
17 educational examiners.

18 Sec. 14. Section 284.3, Code 1989, is amended to read as
19 follows:

20 284.3 CONTRACTS ON FILE.

21 True copies of all contracts made on behalf of this state
22 pursuant to the interstate agreement on qualification of
23 educational personnel shall be kept on file ~~in~~ by the
24 ~~department-of-education~~ board of educational examiners and in
25 the office of the secretary of state. The ~~department-of~~
26 ~~education~~ board of educational examiners shall publish all
27 such contracts in convenient form. The board of educational
28 examiners may adopt rules pursuant to this chapter.

29 Sec. 15. Section 294A.2, subsection 3, Code Supplement
30 1989, is amended to read as follows:

31 3. "General training requirements" means requirements
32 prescribed by a board of directors that provide for the
33 acquisition of additional semester hours of graduate credit
34 from an institution of higher education approved by the state
35 board of education or the completion of staff development

1 activities licensed by the board of educational examiners,
2 except for programs developed by practitioner preparation
3 institutions and area education agencies, for renewal of
4 licenses issued under chapter 260.

5 Sec. 16. Section 294A.2, subsection 5, unnumbered
6 paragraph 2, Code Supplement 1989, is amended to read as
7 follows:

8 Effective July 1, 1988, "teacher" includes an a licensed
9 individual employed on less than a full-time basis by a school
10 district through a contract between the school district and an
11 institution of higher education with a practitioner
12 preparation program in which the licensed teacher is enrolled
13 in a-graduate any practitioner preparation program.

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HOUSE FILE 2440

S-5466

1 Amend House File 2440, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 235A.15, subsection 2,
6 paragraph e, Code Supplement 1989, is amended by
7 adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (7) To the board of educational
9 examiners created under chapter 260 for purposes of
10 determining whether a practitioner's license should be
11 denied or revoked."

12 2. Page 1, by inserting after line 19 the
13 following:

14 "Sec. ____ . Section 260.2, Code Supplement 1989, is
15 amended by adding the following new subsection:

16 NEW SUBSECTION. 14. Adopt rules which permit the
17 board to deny a license to or revoke a license of a
18 person upon the board's finding by a preponderance of
19 evidence that either the person has been convicted of
20 a crime or that there has been a founded report of
21 child abuse against the person. Rules adopted shall
22 provide that in determining whether a person should be
23 denied a license or that a practitioner's license
24 should be revoked, the board shall consider the nature
25 and seriousness of the founded abuse or crime in
26 relation to the position sought, the time elapsed
27 since the founded abuse or crime was committed, the
28 degree of rehabilitation which has taken place since
29 the incidence of founded abuse or the commission of
30 the crime, the likelihood that the person will commit
31 the same abuse or crime again, and the number of
32 founded abuses committed or criminal convictions by
33 the person involved."

34 3. Page 10, by inserting after line 13, the
35 following:

36 "Sec. ____ . Section 692.2, subsection 1, Code
37 Supplement 1989, is amended by adding the following
38 new paragraph:

39 NEW PARAGRAPH. i. The board of educational
40 examiners for the purpose of carrying out duties
41 imposed under section 260.2, subsection 14."

42 4. By numbering and renumbering as necessary.

By JOY CORNING

S-5466 FILED MARCH 13, 1990

Adopted 4/5 (p. 1556)

HOUSE FILE 2440

S-5510

1 Amend House File 2440 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, line 32, by striking the word "Rules"
4 and inserting the following: "Except as otherwise
5 provided in section 256.11, subsection 1, rules".

By LARRY MURPHY
MAGGIE TINSMAN

S-5510 FILED MARCH 15, 1990

Adopted 4/5 (p. 1557)

HOUSE FILE 2440

S-5716

1 Amend House File 2440, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, line 16, by striking the words "By

4 January 1, 1993, adopt" and inserting the following:

5 "Adopt".

By JEAN LLOYD-JONES

LARRY MURPHY

JOY CORNING

JOHN P. KIBBIE

S-5716 FILED MARCH 27, 1990

Adopted 4/5 (p.1556)

SENATE AMENDMENT TO HOUSE FILE 2440

H-6129

1 Amend House File 2440, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 235A.15, subsection 2,
6 paragraph e, Code Supplement 1989, is amended by
7 adding the following new subparagraph:
8 NEW SUBPARAGRAPH. (7) To the board of educational
9 examiners created under chapter 260 for purposes of
10 determining whether a practitioner's license should be
11 denied or revoked."
12 2. Page 1, line 16, by striking the words "By
13 January 1, 1993, adopt" and inserting the following:
14 "Adopt".
15 3. Page 1, by inserting after line 19 the
16 following:
17 "Sec. _____. Section 260.2, Code Supplement 1989, is
18 amended by adding the following new subsection:
19 NEW SUBSECTION. 14. Adopt rules which permit the
20 board to deny a license to or revoke a license of a
21 person upon the board's finding by a preponderance of
22 evidence that either the person has been convicted of
23 a crime or that there has been a founded report of
24 child abuse against the person. Rules adopted shall
25 provide that in determining whether a person should be
26 denied a license or that a practitioner's license
27 should be revoked, the board shall consider the nature
28 and seriousness of the founded abuse or crime in
29 relation to the position sought, the time elapsed
30 since the founded abuse or crime was committed, the
31 degree of rehabilitation which has taken place since
32 the incidence of founded abuse or the commission of
33 the crime, the likelihood that the person will commit
34 the same abuse or crime again, and the number of
35 founded abuses committed or criminal convictions by
36 the person involved."
37 4. Page 3, line 32, by striking the word "Rules"
38 and inserting the following: "Except as otherwise
39 provided in section 256.11, subsection 1, rules".
40 5. Page 10, by inserting after line 13, the
41 following:
42 "Sec. _____. Section 692.2, subsection 1, Code
43 Supplement 1989, is amended by adding the following
44 new paragraph:
45 NEW PARAGRAPH. i. The board of educational
46 examiners for the purpose of carrying out duties
47 imposed under section 260.2, subsection 14."
48 6. By renumbering, relettering, or redesignating
49 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6129 FILED APRIL 5, 1990

CONCURRED (p. 2088)

EDUCATION

Now

HOUSE FILE 2441 D

BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON OLLIE)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the duties of the board of educational
2 examiners, providing for alternative routes to licensing, and
3 defining which persons are teachers for purposes of
4 educational excellence programs.

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

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1 Section 1. Section 256.7, subsection 15, Code Supplement
2 1989, is amended by striking the subsection.

3 Sec. 2. Section 260.2, subsection 13, Code Supplement
4 1989, is amended by striking the subsection and inserting in
5 lieu thereof the following:

6 13. Provide multiple routes to obtaining a license includ-
7 ing nontraditional preparation options.

8 Sec. 3. Section 294A.2, subsection 5, unnumbered paragraph
9 2, Code Supplement 1989, is amended to read as follows:

10 Effective July 1, 1988, "teacher" includes an a licensed
11 individual employed on less than a full-time basis by a school
12 district through a contract between the school district and an
13 institution of higher education with a practitioner
14 preparation program in which the licensed teacher is enrolled
15 in a-graduate any practitioner preparation program.

16 EXPLANATION

17 This bill strikes the Code provisions which allow for
18 alternative training procedures and programs for persons who
19 do not possess a regular practitioner's license and replaces
20 them with authority, delegated to the board of educational
21 examiners, to provide for multiple routes to licensure. The
22 bill also changes the definition of teacher under the educa-
23 tional excellence program to include those persons who,
24 through a contract between a school district and a higher
25 education institution, are attending any practitioner prepara-
26 tion program.

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HOUSE FILE 2440

AN ACT

RELATING TO THE DUTIES OF THE BOARD OF EDUCATIONAL EXAMINERS,
PROVIDING FOR ALTERNATIVE ROUTES TO LICENSING, AND DEFINING
WHICH PERSONS ARE TEACHERS FOR PURPOSES OF EDUCATIONAL EX-
CELLENCE PROGRAMS.

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

Section 1. Section 235A.15, subsection 2, paragraph e,
Code Supplement 1989, is amended by adding the following new
subparagraph:

NEW SUBPARAGRAPH. (7) To the board of educational
examiners created under chapter 260 for purposes of
determining whether a practitioner's license should be denied
or revoked.

Sec. 2. Section 256.7, subsection 13, Code Supplement
1989, is amended by striking the subsection.

Sec. 3. Section 256.7, subsection 15, Code Supplement
1989, is amended by striking the subsection.

Sec. 4. Section 260.1, subsection 4, Code Supplement 1989,
is amended to read as follows:

4. "License" means the authority that is given to allow a
person to legally serve as a practitioner, a school, an
institution, or a course of study to legally offer
professional development programs, other than those programs
offered by practitioner preparation schools, institutions, or
courses of study, or area education agencies.

Sec. 5. Section 260.2, subsection 13, Code Supplement
1989, is amended by striking the subsection and inserting in
lieu thereof the following:

13. Adopt rules to provide for nontraditional preparation
options for licensing persons who hold a bachelor's degree
from an accredited college or university, who do not meet
other requirements for licensure.

Sec. 6. Section 260.2, Code Supplement 1989, is amended by
adding the following new subsection:

NEW SUBSECTION. 14. Adopt rules which permit the board to
deny a license to or revoke a license of a person upon the
board's finding by a preponderance of evidence that either the
person has been convicted of a crime or that there has been a
founded report of child abuse against the person. Rules
adopted shall provide that in determining whether a person
should be denied a license or that a practitioner's license
should be revoked, the board shall consider the nature and
seriousness of the founded abuse or crime in relation to the
position sought, the time elapsed since the founded abuse or
crime was committed, the degree of rehabilitation which has
taken place since the incidence of founded abuse or the
commission of the crime, the likelihood that the person will
commit the same abuse or crime again, and the number of
founded abuses committed or criminal convictions by the person
involved.

Sec. 7. Section 260.5, Code Supplement 1989, is amended by
adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board of educational
examiners shall set the salary of the executive director
within the range established for the position by the general
assembly.

Sec. 8. NEW SECTION. 260.9A ADMINISTRATIVE LICENSES.

The board of educational examiners shall adopt rules
relating to professional development programs for individuals
licensed or certificated as administrators of schools after
July 1, 1985. Successful completion of a professional
development program is required every five years before the
license is renewed by the board.

Sec. 9. NEW SECTION. 260.14 APPOINTMENT OF
ADMINISTRATIVE LAW JUDGES.

The board shall maintain a list of qualified persons who
are experienced in the educational system of this state to
serve as administrative law judges when a hearing is requested

under section 279.24. When requested under section 279.24, the board shall submit a list of five qualified administrative law judges to the parties. The parties shall select one of the five qualified persons to conduct the hearing as provided in section 279.24. The hearing shall be held pursuant to the provisions of chapter 17A relating to contested cases. The full costs of the hearing shall be shared equally by the parties.

Sec. 10. NEW SECTION. 260.27 STUDENT TEACHING.

If the rules adopted by the board of educational examiners for issuance of any type or class of license require an applicant to complete work in student teaching, an accredited college or university located within the state of Iowa and states conterminous with Iowa may offer a program or programs of teacher education approved by the director of the department of education or the appropriate authority in states conterminous with Iowa by entering into a written contract with any accredited school district or private school, under terms and conditions as agreed upon by the contracting parties. Students actually teaching in a school district under the terms of such a contract are entitled to the same protection, under section 613A.8, as is afforded by that section to officers and employees of the school district, during the time they are so assigned.

Sec. 11. Section 260.31, Code Supplement 1989, is amended to read as follows:

260.31 COACHING AUTHORIZATION.

1. The minimum requirements for the board to award a coaching license authorization to an applicant are:

a. Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of the structure and function of the human body in relation to physical activity.

b. Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of human growth and development of children and youth in relation to physical activity.

c. Successful completion of two semester credit hours or twenty contact hours in a course relating to knowledge and understanding of the prevention and care of athletic injuries and medical and safety problems relating to physical activity.

d. Successful completion of one semester credit hour or ten contact hours relating to knowledge and understanding of the techniques and theory of coaching interscholastic athletics.

2. The board of educational examiners shall adopt rules under chapter 17A for coaching licenses authorizations including, but not limited to, approval of courses, validity and expiration, fees, and suspension and revocation of licenses authorizations. The state board of education shall work with institutions of higher education, private colleges and universities, merged area schools, and area education agencies to ensure that the courses required under subsection 1 are offered throughout the state at convenient times and at a reasonable cost.

Sec. 12. Section 260.34, Code Supplement 1989, is amended to read as follows:

260.34 ELEMENTARY LICENSES.

The board of educational examiners in conjunction with the child development coordinating council, or other similar agency, shall develop appropriate licenses for teachers in the early elementary grades, taking into consideration recommendations from the child development coordinating council or other similar agency, the center for early development education, and teacher education personnel. Except as otherwise provided in section 256.11, subsection 1, rules adopted shall establish early childhood and early elementary licensing or endorsement standards for teachers, elementary school principals, licensed child care providers, and administrators who work with children from three through eight years of age, which shall require knowledge of aspects of child development from birth through eight years of age.

Sec. 13. Section 279.24, Code 1989, is amended to read as follows:

279.24 CONTRACT WITH ADMINISTRATORS -- AUTOMATIC CONTINUATION OR TERMINATION.

An administrator's contract shall remain in force and effect for the period stated in the contract. The contract shall be automatically continued in force and effect for one year beyond the end of its term, except as modified or terminated by mutual agreement of the board of directors and the administrator, or until terminated as hereinafter provided.

An administrator may file a written resignation with the secretary of the school board on or before May 1 of each year or the date specified by the school board for return of the contract, whichever date occurs first.

Administrators employed in a school district for less than two consecutive years are probationary administrators. However, a school board may waive the probationary period for any administrator who has previously served a probationary period in another school district and the school board may extend the probationary period for an additional year with the consent of the administrator. If a school board determines that it should terminate a probationary administrator's contract, the school board shall notify the administrator not later than March 31 that the contract will not be renewed beyond the current year. The notice shall be in writing by letter, personally delivered, or mailed by certified mail. The notification shall be complete when received by the administrator. Within ten days after receiving the notice, the administrator may request a private conference with the school board to discuss the reasons for termination. The school board's decision to terminate a probationary administrator's contract shall be final unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the administrator.

The school board may, by majority vote of the membership of the school board, cause the contract of an administrator to be terminated. If the school board determines that it should consider the termination of a nonprobationary administrator's contract, the following procedure shall apply:

On or before March 31, the administrator shall be notified in writing by a letter personally delivered or mailed by certified mail that the school board has voted to consider termination of the contract. The notification shall be complete when received by the administrator.

The notice shall state the specific reasons to be used by the school board for considering termination which for all administrators except superintendents shall be for just cause.

Within five days after receipt of the written notice that the school board has voted to consider termination of the contract, the administrator may request in writing to the secretary of the school board that the notification be forwarded to the professional-teaching-practices-commission board of educational examiners along with a request that the professional-teaching-practices-commission board of educational examiners submit a list of five qualified administrative law judges to the parties. Within three days from receipt of the list the parties shall select an administrative law judge by alternately removing a name from the list until only one name remains. The person whose name remains shall be the administrative law judge. 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 administrator's request unless the parties otherwise agree. If the administrator does not request a hearing, the school board, not later than April 15, may determine the continuance or discontinuance of the contract. Board School board action shall be by majority roll call vote entered on the minutes of the meeting. Notice of school board action shall be personally delivered or mailed to the administrator.

The administrative law judge selected shall notify the secretary of the school board and the administrator in writing concerning the date, time, and location of the hearing. The school board may be represented by a legal representative, if any, and the administrator shall appear and may be represented by counsel or by representative, if any. A transcript or recording shall be made of the proceedings at the hearing. A school board member or administrator is not liable for any damage to an administrator or school board member if a statement made at the hearing is determined to be erroneous as long as the statement was made in good faith.

The administrative law judge shall, within ten days following the date of the hearing, make a proposed decision as to whether or not the administrator should be dismissed, and shall give a copy of the proposed decision to the administrator and the school board. Findings of fact shall be prepared by the administrative law judge. The proposed decision of the administrative law judge shall become the final decision of the school board unless within ten days after the filing of the decision the administrator files a written notice of appeal with the school board, or the school board on its own motion determines to review the decision.

If the administrator appeals to the school board, or if the school board determines on its own motion to review the proposed decision of the administrative law judge, a private hearing shall be held before the school board within five days after the petition for review, or motion for review, has been made or at such other time as the parties agree. The private hearing is not subject to chapter 21. The school board may hear the case de novo upon the record as submitted before the administrative law judge. In cases where there is an appeal from a proposed decision or where a proposed decision is reviewed on motion of the school board, an opportunity shall be afforded to each party to file exceptions, present briefs and present oral arguments to the school board which is to render the final decision. The secretary of the school board

shall give the administrator written notice of the time, place, and date of the hearing. The school board shall meet within five days after the hearing to determine the question of continuance or discontinuance of the contract. The school board shall make findings of fact which shall be based solely on the evidence in the record and on matters officially noticed in the record.

The decision of the school board shall be in writing and shall include findings of fact and conclusions of law, separately stated. 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.

When the school 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 administrator's contract. 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 school board shall immediately personally deliver or mail notice of the school board's action to the administrator.

The administrator may within thirty days after notification by the school board of discontinuance of the contract appeal to the district court of the county in which the administrative office of the school district is located.

The court may affirm the board school board's action. The court shall reverse, modify, or grant any other appropriate relief from the board school board's action, equitable or legal, and including declaratory relief, if substantial rights of the administrator have been prejudiced because the board school board's action is any of the following:

1. In violation of constitutional or statutory provisions.
2. In excess of the statutory authority of the school board.
3. In violation of school board policy or rule.

4. Made upon unlawful procedure.
5. Affected by other error of law.
6. Unsupported by a preponderance of the evidence in the record made before the school board when that record is reviewed as a whole.
7. Unreasonable, arbitrary, or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

Sec. 14. Section 284.1, article III, subsections 1 and 5, Code 1989, are amended to read as follows:

1. The designated state official of a party state may make one or more contracts on behalf of that state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which the official finds that there are programs of education, certification licensure standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in the official's state.

5. The certification license or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate license or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate license or other qualifying document initially granted or approved in the receiving state.

Sec. 15. Section 284.2, Code 1989, is amended to read as follows:

284.2 DESIGNATED STATE OFFICIAL.

The designated state official for this state, within the meaning of article II, paragraph 2, of the interstate agreement on qualification of educational personnel as set forth in section 284.1, shall be the executive director of the department-of-education board of educational examiners. The executive director shall enter into contracts pursuant to article III of the agreement only with the approval of the specific text thereof by the state board of education educational examiners.

Sec. 16. Section 284.3, Code 1989, is amended to read as follows:

284.3 CONTRACTS ON FILE.

True copies of all contracts made on behalf of this state pursuant to the interstate agreement on qualification of educational personnel shall be kept on file in by the department-of-education board of educational examiners and in the office of the secretary of state. The department-of-education board of educational examiners shall publish all such contracts in convenient form. The board of educational examiners may adopt rules pursuant to this chapter.

Sec. 17. Section 294A.2, subsection 3, Code Supplement 1989, is amended to read as follows:

3. "General training requirements" means requirements prescribed by a board of directors that provide for the acquisition of additional semester hours of graduate credit from an institution of higher education approved by the state board of education or the completion of staff development activities licensed by the board of educational examiners, except for programs developed by practitioner preparation institutions and area education agencies, for renewal of licenses issued under chapter 260.

Sec. 18. Section 294A.2, subsection 5, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

Effective July 1, 1988, "teacher" includes an a licensed individual employed on less than a full-time basis by a school

district through a contract between the school district and an institution of higher education with a practitioner preparation program in which the licensed teacher is enrolled in a-graduate any practitioner preparation program.

Sec. 19. Section 692.2, subsection 1, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. The board of educational examiners for the purpose of carrying out duties imposed under section 260.2, subsection 14.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2440, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 6, 1990

TERRY E. BRANSTAD
Governor