

FILED FEB 25 1998

Rerefiled to: Education 3/23/98

SENATE FILE 2346

BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2039)

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

A BILL FOR

1 An Act relating to the process by which a school district may
 2 terminate a teacher's continuing contract.

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

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SENATE FILE 2346

S-5146

1 Amend Senate File 2346 as follows:
 2 1. Page 2, lines 3 and 4, by striking the words
 3 "~~a-preponderance-of-the-competent substantial~~" and
 4 inserting the following: "a preponderance of the
 5 competent".

By ELAINE SZYMONIAK
 MARY NEUHAUSER

S-5146 FILED MARCH 4, 1998

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1 Section 1. Section 279.18, unnumbered paragraphs 1 and 2,
2 Code 1997, are amended to read as follows:

3 ~~If either party rejects the adjudicator's decision, the~~
4 ~~rejecting party shall, within thirty days of the initial~~
5 ~~filing of such decision~~ the teacher is no longer a
6 probationary teacher, the teacher may, within ten days, appeal
7 the determination of the board under section 279.16 to the
8 district court of the county in which the administrative
9 office of the school district is located. The notice of
10 appeal shall be immediately mailed by certified mail to the
11 ~~other party~~ secretary of the board. The ~~adjudicator~~ board
12 secretary shall transmit to the reviewing court the original
13 or a certified copy of the entire record which may be the
14 subject of the petition. By stipulation of all parties to the
15 review proceedings, the record of such a case may be
16 shortened. A party unreasonably refusing to stipulate to
17 limit the record may be taxed by the court for the additional
18 cost. The court may require or permit subsequent corrections
19 or additions to the shortened record.

20 In proceedings for judicial review of the ~~adjudicator's~~
21 board's decision, the court shall not hear any further
22 evidence but shall hear the case upon the certified record.
23 In such judicial review, especially when considering the
24 credibility of witnesses, the court shall give weight to the
25 fact findings of the board, ~~but shall not be bound by them~~.
26 The court may affirm the ~~adjudicator's~~ board's decision or
27 remand to ~~the adjudicator or~~ the board for further proceedings
28 upon conditions determined by the court. The court shall
29 reverse, modify, or grant any other appropriate relief from
30 the board decision ~~or the adjudicator's decision equitable or~~
31 ~~legal and including declaratory relief~~ only if substantial
32 rights of the petitioner have been prejudiced because the
33 action is:

34 Sec. 2. Section 279.18, subsections 2 and 6, Code 1997,
35 are amended to read as follows:

1 2. In excess of the statutory authority of the board or
2 the-adjudicator; or

3 6. Unsupported by a-preponderance-of-the-competent
4 substantial evidence in the record made before the board and
5 the-adjudicator when that record is viewed as a whole; or
6 Sec. 3. Section 279.17, Code 1997, is repealed.

7 EXPLANATION

8 This bill removes from the teacher termination process
9 currently within the Code the adjudication option available to
10 a teacher facing contract termination by a school district.
11 The bill does not otherwise affect a teacher's ability to
12 request a hearing before the school board in the event that a
13 school superintendent notifies the teacher that the teacher's
14 continuing contract will be terminated effective at the end of
15 the current school year.

16 The bill does not affect the teacher's ability to appeal
17 the school board's decision to the district court. However,
18 the bill changes the standard of evidence, for which the court
19 shall reverse, modify, or grant any other appropriate relief
20 from the board decision, from a "preponderance of competent
21 evidence" to "substantial evidence". The Code requires the
22 court to give weight to the fact findings of the board, and
23 the bill abolishes language that frees the court from being
24 bound by the fact findings of the board.

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