

# REPRINTED

FEB 23 2001  
Place On Calendar

HOUSE FILE 389  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 74)

Passed House, Date <sup>(p.776)</sup> 3/20/01 Passed Senate, Date 4-12-01 <sup>(p.1114)</sup>  
Vote: Ayes 98 Nays 0 Vote: Ayes 46 Nays 1  
Approved April 23, 2001

## A BILL FOR

1 An Act relating to the duties of the board of directors of a  
2 school district, including those related to the suspension of  
3 a practitioner by the board of directors of a school district.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 389

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1 Section 1. Section 279.2, Code 2001, is amended to read as  
2 follows:

3 279.2 SPECIAL OR CLOSED MEETINGS.

4 1. Such special meetings may be held as may be determined  
5 by the board, or called by the president, or by the secretary  
6 upon the written request of a majority of the members of the  
7 board, upon notice specifying the time and place, delivered to  
8 each member in person, or by registered letter, but attendance  
9 shall be a waiver of notice.

10 2. In addition to the reasons provided in section 21.5,  
11 subsection 1, the board may hold a closed session pursuant to  
12 the requirements of section 21.5 to evaluate and discuss board  
13 member performance of the board's official public duties.

14 Sec. 2. Section 279.16, unnumbered paragraphs 6 and 10,  
15 Code 2001, are amended to read as follows:

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

29 When the board has reached a decision, opinion, or  
30 conclusion, it shall convene in open meeting and by roll call  
31 vote determine the continuance or discontinuance of the  
32 teacher's contract, and, if the board votes to continue the  
33 teacher's contract, whether to suspend the teacher with or  
34 without pay for a period specified by the board. The record  
35 of the private conference and findings of fact and exceptions

1 shall be exempt from the provisions of chapter 22. The  
2 secretary of the board shall immediately mail notice of the  
3 board's action to the teacher.

4 Sec. 3. Section 279.24, unnumbered paragraphs 8, 11, and  
5 13, Code 2001, are amended to read as follows:

6 Within five days after receipt of the written notice that  
7 the school board has voted to consider termination of the  
8 contract, the administrator may request in writing to the  
9 secretary of the school board that the notification be  
10 forwarded to the board of educational examiners along with a  
11 request that the board of educational examiners submit a list  
12 of five qualified administrative law judges to the parties.  
13 Within three days from receipt of the list the parties shall  
14 select an administrative law judge by alternately removing a  
15 name from the list until only one name remains. The person  
16 whose name remains shall be the administrative law judge. The  
17 parties shall determine by lot which party shall remove the  
18 first name from the list. The hearing shall be held no sooner  
19 than ten days and not later than thirty days following the  
20 administrator's request unless the parties otherwise agree.  
21 If the administrator does not request a hearing, the school  
22 board, not later than May 31, may determine the continuance or  
23 discontinuance of the contract, and, if the board determines  
24 to continue the administrator's contract, whether to suspend  
25 the administrator with or without pay for a period specified  
26 by the board. School board action shall be by majority roll  
27 call vote entered on the minutes of the meeting. Notice of  
28 school board action shall be personally delivered or mailed to  
29 the administrator.

30 If the administrator appeals to the school board, or if the  
31 school board determines on its own motion to review the  
32 proposed decision of the administrative law judge, a private  
33 hearing shall be held before the school board within five days  
34 after the petition for review, or motion for review, has been  
35 made or at such other time as the parties agree. The private

1 hearing is not subject to chapter 21. The school board may  
2 hear the case de novo upon the record as submitted before the  
3 administrative law judge. In cases where there is an appeal  
4 from a proposed decision or where a proposed decision is  
5 reviewed on motion of the school board, an opportunity shall  
6 be afforded to each party to file exceptions, present briefs  
7 and present oral arguments to the school board which is to  
8 render the final decision. The secretary of the school board  
9 shall give the administrator written notice of the time,  
10 place, and date of the hearing. The school board shall meet  
11 within five days after the hearing to determine the question  
12 of continuance or discontinuance of the contract, and, if the  
13 board determines to continue the administrator's contract,  
14 whether to suspend the administrator with or without pay for a  
15 period specified by the board. The school board shall make  
16 findings of fact which shall be based solely on the evidence  
17 in the record and on matters officially noticed in the record.  
18 When the school board has reached a decision, opinion, or  
19 conclusion, it shall convene in open meeting and by roll call  
20 vote determine the continuance or discontinuance of the  
21 administrator's contract, and, if the board votes to continue  
22 the administrator's contract, whether to suspend the  
23 administrator with or without pay for a period specified by  
24 the board. The record of the private conference and findings  
25 of fact and exceptions shall be exempt from the provisions of  
26 chapter 22. The secretary of the school board shall  
27 immediately personally deliver or mail notice of the school  
28 board's action to the administrator.

29 EXPLANATION

30 This bill adds a third option to the procedures a board of  
31 directors of a school district must follow when considering  
32 the disposition of a teacher's or administrator's contract.  
33 Currently, the Code provides procedures for a continuation or  
34 termination of a teacher's or administrator's contract. This  
35 bill adds to those procedures the ability of the school board

1 to suspend, with or without pay, a teacher or an  
2 administrator.

3 The bill also provides an exemption to the "open meetings"  
4 law to permit a school board to hold a closed session meeting  
5 to evaluate and discuss board member performance of their  
6 official duties.

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**HOUSE FILE 389**

**H-1230**

- 1 Amend House File 389 as follows:
- 2 1. Page 1, lines 27 and 28, by striking the words
- 3 "a period specified by the board" and inserting the
- 4 following: "not more than five days".
- 5 2. Page 1, by striking line 34 and inserting the
- 6 following: "without pay for not more than five days.
- 7 The record".
- 8 3. Page 2, lines 25 and 26, by striking the words
- 9 "a period specified by the board" and inserting the
- 10 following: "not more than five days".
- 11 4. Page 3, lines 14 and 15, by striking the words
- 12 "a period specified by the board" and inserting the
- 13 following: "not more than five days".
- 14 5. Page 3, lines 23 and 24, by striking the words
- 15 "a period specified by the board" and inserting the
- 16 following: "not more than five days".

**By** BUKTA of Clinton

**H-1230** FILED MARCH 14, 2001

*Lat 3/20/01 (P. 776)*

**HOUSE FILE 389**

**H-1244**

- 1 Amend House File 389 as follows:
- 2 1. Page 1, by striking lines 1 through 13.
- 3 2. By renumbering as necessary.

**By** JOHNSON of Osceola

**H-1244** FILED MARCH 19, 2001

*Adopted 3/20/01 (P. 776)*

3/20/01 Education  
S. 3/29/01 Do Pass

5-4/12/01

2001 BUSINESS CALENDAR

HOUSE FILE 389  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 74)

(As Amended and Passed by the House March 20, 2001)

Passed House, Date \_\_\_\_\_ Passed Senate, <sup>(P. 1113)</sup> Date 4-12-01  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 46 Nays 1  
Approved April 23, 2001

**A BILL FOR**

1 An Act relating to the duties of the board of directors of a  
2 school district, including those related to the suspension of  
3 a practitioner by the board of directors of a school district.

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

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Deleted Language ✖

\*1 Section 1. Section 279.16, unnumbered paragraphs 6 and 10,  
2 Code 2001, are amended to read as follows:

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

16 When the board has reached a decision, opinion, or  
17 conclusion, it shall convene in open meeting and by roll call  
18 vote determine the continuance or discontinuance of the  
19 teacher's contract, and, if the board votes to continue the  
20 teacher's contract, whether to suspend the teacher with or  
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24 secretary of the board shall immediately mail notice of the  
25 board's action to the teacher.

26 Sec. 2. Section 279.24, unnumbered paragraphs 8, 11, and  
27 13, Code 2001, are amended to read as follows:

28 Within five days after receipt of the written notice that  
29 the school board has voted to consider termination of the  
30 contract, the administrator may request in writing to the  
31 secretary of the school board that the notification be  
32 forwarded to the board of educational examiners along with a  
33 request that the board of educational examiners submit a list  
34 of five qualified administrative law judges to the parties.  
35 Within three days from receipt of the list the parties shall



1 select an administrative law judge by alternately removing a  
2 name from the list until only one name remains. The person  
3 whose name remains shall be the administrative law judge. The  
4 parties shall determine by lot which party shall remove the  
5 first name from the list. The hearing shall be held no sooner  
6 than ten days and not later than thirty days following the  
7 administrator's request unless the parties otherwise agree.  
8 If the administrator does not request a hearing, the school  
9 board, not later than May 31, may determine the continuance or  
10 discontinuance of the contract, and, if the board determines  
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14 call vote entered on the minutes of the meeting. Notice of  
15 school board action shall be personally delivered or mailed to  
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17 If the administrator appeals to the school board, or if the  
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19 proposed decision of the administrative law judge, a private  
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21 after the petition for review, or motion for review, has been  
22 made or at such other time as the parties agree. The private  
23 hearing is not subject to chapter 21. The school board may  
24 hear the case de novo upon the record as submitted before the  
25 administrative law judge. In cases where there is an appeal  
26 from a proposed decision or where a proposed decision is  
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29 and present oral arguments to the school board which is to  
30 render the final decision. The secretary of the school board  
31 shall give the administrator written notice of the time,  
32 place, and date of the hearing. The school board shall meet  
33 within five days after the hearing to determine the question  
34 of continuance or discontinuance of the contract, and, if the  
35 board determines to continue the administrator's contract,

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12 of fact and exceptions shall be exempt from the provisions of  
13 chapter 22. The secretary of the school board shall  
14 immediately personally deliver or mail notice of the school  
15 board's action to the administrator.

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**HOUSE FILE 389****S-3330**

- 1 Amend House File 389, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 15, by inserting after the word  
4 "board" the following: ", which shall not exceed five  
5 contract days if the board votes to suspend the  
6 teacher without pay".  
7 2. Page 1, line 21, by inserting after the word  
8 "board" the following: ", which shall not exceed five  
9 contract days if the board votes to suspend the  
10 teacher without pay".

**By MIKE CONNOLLY****S-3330 FILED APRIL 10, 2001***Last 4-12-01 (p. 1113)*

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HOUSE FILE 389

AN ACT

RELATING TO THE DUTIES OF THE BOARD OF DIRECTORS OF A SCHOOL DISTRICT, INCLUDING THOSE RELATED TO THE SUSPENSION OF A PRACTITIONER BY THE BOARD OF DIRECTORS OF A SCHOOL DISTRICT.

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

Section 1. Section 279.16, unnumbered paragraphs 6 and 10, Code 2001, are amended to read as follows:

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.

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. 2. Section 279.24, unnumbered paragraphs 8, 11, and 13, Code 2001, are amended to read as follows:

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 board of educational examiners along with a request that the 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 May 31, may determine the continuance or discontinuance of the contract, and, if the board determines to continue the administrator's contract, whether to suspend the administrator with or without pay for a period specified by the 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.

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, and, if the board determines to continue the administrator's contract, whether to suspend the administrator with or without pay for a period specified by the board. 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.

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, and, if the board votes to continue the administrator's contract, whether to suspend the administrator 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 school board shall

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

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 389, Seventy-ninth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved , 2001

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THOMAS J. VILSACK  
Governor