HOUSE FILE 521 BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 167)

## A BILL FOR

An Act relating to teacher termination and appeals thereof.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 279.17, subsection 1, Code 2011, is 2 amended to read as follows: 1. If the teacher is no longer a probationary teacher and 3 4 is not being discharged for just cause in accordance with 5 section 279.27, the teacher may, within ten days, appeal the 6 determination of the board to an adjudicator by filing a notice 7 of appeal with the secretary of the board. The notice of 8 appeal shall contain a concise statement of the action which is 9 the subject of the appeal, the particular board action appealed 10 from, the grounds on which relief is sought and the relief 11 sought. Sec. 2. Section 279.19, unnumbered paragraph 2, Code 2011, 12 13 is amended to read as follows: In the case of the termination of a probationary teacher's 14 15 contract, the provisions of sections 279.15 and 279.16 16 shall apply. However, if the probationary teacher is a 17 beginning teacher who fails to demonstrate competence in the 18 Iowa teaching standards in accordance with chapter 284, the 19 provisions of sections 279.17 and 279.18 shall also apply. 20 Sec. 3. Section 279.27, Code 2011, is amended to read as 21 follows: 22 279.27 Discharge of teacher. A teacher may be discharged at any time during the 23 24 contract year for just cause. The superintendent or the 25 superintendent's designee, shall notify the teacher immediately 26 that the superintendent will recommend in writing to the board 27 at a regular or special meeting of the board held not more 28 than fifteen days after notification has been given to the 29 teacher that the teacher's continuing contract be terminated 30 effective immediately following a decision of the board. 31 The procedure for dismissal shall be as provided in section 32 279.15, subsection 2, and sections 279.16 to and 279.19. The 33 superintendent may suspend a teacher under this section pending 34 hearing and determination by the board.

35 Sec. 4. Section 284.3, subsection 2, paragraph a, Code 2011,

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1 is amended to read as follows:

2 a. For purposes of comprehensive evaluations for beginning 3 teachers required to allow beginning teachers to progress to 4 career teachers, standards and criteria that are the Iowa 5 teaching standards specified in subsection 1 and the criteria 6 for the Iowa teaching standards developed by the department in 7 accordance with section 256.9, subsection 46. These standards 8 and criteria shall be set forth in an instrument provided by 9 the department. The comprehensive evaluation and instrument 10 are not subject to negotiations or grievance procedures 11 pursuant to chapter 20 or determinations made by the board of 12 directors under section 279.14. A local school board and its 13 certified bargaining representative may negotiate, pursuant to 14 chapter 20, evaluation and grievance procedures for beginning 15 teachers that are not in conflict with this chapter. If, in 16 accordance with section 279.19, a beginning teacher appeals the 17 determination of a school board to an adjudicator under section 18 279.17, the adjudicator selected shall have successfully 19 completed training related to the Iowa teacher standards, the 20 criteria adopted by the state board of education in accordance 21 with subsection 3, and any additional training required under 22 rules adopted by the public employment relations board in 23 cooperation with the state board of education. 24 EXPLANATION

This bill eliminates a beginning teacher's ability to appeal termination for failure to demonstrate competence in the Iowa teaching standards, and a nonprobationary teacher's ability to appeal if discharged for just cause. Currently, a beginning teacher whose contract is terminated during the teacher's probationary period for failure to demonstrate competence in the Iowa teaching standards and a nonprobationary teacher who is discharged for just cause may appeal the school board's determination to an adjudicator or to the district court. The bill also strikes language that specifies the training that an adjudicator selected to hear an appeal must complete.

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