

**Senate File 134 - Introduced**

SENATE FILE 134

BY MCKINLEY

**A BILL FOR**

1 An Act relating to the discontinuance of a teacher contract by  
2 the board of directors of a school district.

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

1 Section 1. Section 273.3, subsection 11, Code 2011, is  
2 amended to read as follows:

3 11. Employ personnel to carry out the functions of the  
4 area education agency which shall include the employment of an  
5 administrator who shall possess a license issued under chapter  
6 272. The administrator shall be employed pursuant to section  
7 279.20 and sections 279.23, 279.24, and 279.25. The salary for  
8 an area education agency administrator shall be established  
9 by the board based upon the previous experience and education  
10 of the administrator. Section 279.13 ~~applies~~, subsections 1,  
11 2, 3, and 5, apply to the area education agency board and to  
12 all teachers employed by the area education agency. Sections  
13 279.23, 279.24, and 279.25 apply to the area education board  
14 and to all administrators employed by the area education  
15 agency.

16 Sec. 2. Section 279.16, Code 2011, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 11. Notwithstanding sections 279.17 and  
19 279.18, during each school year, the board of directors of  
20 a school district may vote to discontinue teacher contracts  
21 in an amount equivalent to one percent of the total number  
22 of teaching contracts the school district entered during the  
23 previous school year, rounded to one or to the nearest whole  
24 number of teacher contracts, whichever is greater. The board's  
25 action shall be final and binding and sections 20.18, 279.17,  
26 and 279.18 shall not apply unless the discontinuance was based  
27 on an alleged violation of a constitutionally guaranteed right  
28 of the teacher or an alleged violation of public employee  
29 rights of the teacher under section 20.10. Notwithstanding  
30 subsection 4, this subsection does not apply to community  
31 colleges or individuals employed by a community college.

32 Sec. 3. Section 279.17, subsection 1, Code 2011, is amended  
33 to read as follows:

34 1. If the teacher is no longer a probationary teacher, the  
35 teacher may, except as provided in section 279.16, subsection

1 11, within ten days, appeal the determination of the board to  
2 an adjudicator by filing a notice of appeal with the secretary  
3 of the board. The notice of appeal shall contain a concise  
4 statement of the action which is the subject of the appeal, the  
5 particular board action appealed from, the grounds on which  
6 relief is sought and the relief sought.

7 Sec. 4. Section 279.19, unnumbered paragraph 2, Code 2011,  
8 is amended to read as follows:

9 In the case of the termination of a probationary teacher's  
10 contract, the provisions of sections 279.15 and 279.16  
11 shall apply. However, if the probationary teacher is a  
12 beginning teacher who fails to demonstrate competence in the  
13 Iowa teaching standards in accordance with chapter 284, the  
14 provisions of sections 279.17 and 279.18 shall also apply  
15 except as provided in section 279.16, subsection 11.

16 EXPLANATION

17 This bill authorizes the board of directors of a school  
18 district, during each school year, to vote to discontinue  
19 teacher contracts in an amount equivalent to one percent of  
20 the total number of teaching contracts the school district  
21 entered during the previous school year, rounded to the nearest  
22 whole number of teacher contracts. The board's action shall be  
23 final and binding and the grievance procedures negotiated under  
24 collective bargaining do not apply, nor may the teacher appeal  
25 the action to an adjudicator or the district court unless  
26 the discontinuance was based on an alleged violation of a  
27 constitutionally guaranteed right of the teacher or an alleged  
28 violation of public employee rights of the teacher.

29 The provisions do not apply to community colleges or area  
30 education agencies or to the individuals they employ.