

Senate File 2313 - Introduced

SENATE FILE 2313

BY DONAHUE

A BILL FOR

1 An Act relating to employment matters involving public
2 employees including collective bargaining, educator
3 employment matters, personnel records and settlement
4 agreements, city civil service requirements, and
5 health insurance matters, and including effective date,
6 applicability, and transition provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

PUBLIC EMPLOYEE COLLECTIVE BARGAINING

Section 1. Section 20.3, subsections 11 and 13, Code 2024, are amended by striking the subsections.

Sec. 2. Section 20.6, subsection 1, Code 2024, is amended to read as follows:

1. ~~Administer~~ Interpret, apply, and administer the provisions of **this chapter** and delegate the powers and duties of the board to the executive director or persons employed by the board, as appropriate.

Sec. 3. Section 20.6, subsections 6 and 7, Code 2024, are amended by striking the subsections.

Sec. 4. Section 20.7, subsection 2, Code 2024, is amended to read as follows:

2. Hire, ~~evaluate,~~ promote, demote, transfer, assign, and retain public employees in positions within the public agency.

Sec. 5. Section 20.8, subsection 5, Code 2024, is amended by striking the subsection.

Sec. 6. Section 20.9, Code 2024, is amended by striking the section and inserting in lieu thereof the following:

20.9 Scope of negotiations.

1. The public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget-making process, to negotiate in good faith with respect to wages, hours, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reduction, in-service training, and other matters mutually agreed upon. Negotiations shall also include terms authorizing dues checkoff for members of the employee organization and grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties. If an agreement provides for dues

1 checkoff, a member's dues may be checked off only upon the
2 member's written request and the member may terminate the dues
3 checkoff at any time by giving thirty days' written notice.
4 Such obligation to negotiate in good faith does not compel
5 either party to agree to a proposal or make a concession.

6 2. Nothing in this section shall diminish the authority
7 and power of the department of administrative services, board
8 of regents' merit system, Iowa public broadcasting board's
9 merit system, or any civil service commission established by
10 constitutional provision, statute, charter, or special act to
11 recruit employees, prepare, conduct and grade examinations,
12 rate candidates in order of their relative scores for
13 certification for appointment or promotion or for other matters
14 of classification, reclassification, or appeal rights in the
15 classified service of the public employer served.

16 3. All retirement systems shall be excluded from the scope
17 of negotiations.

18 Sec. 7. Section 20.10, subsection 3, paragraph j, Code 2024,
19 is amended by striking the paragraph.

20 Sec. 8. Section 20.12, subsection 5, Code 2024, is amended
21 to read as follows:

22 5. If an employee organization or any of its officers
23 is held to be in contempt of court for failure to comply
24 with an injunction pursuant to [this section](#), or is convicted
25 of violating [this section](#), the employee organization shall
26 be immediately decertified, shall cease to represent the
27 bargaining unit, shall cease to receive any dues by checkoff,
28 and may again be certified only after ~~twenty-four~~ twelve months
29 have elapsed from the effective date of decertification and
30 only if after a new petition for certification pursuant to
31 compliance with [section 20.14](#) is filed and a new certification
32 election pursuant to ~~section 20.15~~ is held. The penalties
33 provided in [this section](#) may be suspended or modified by the
34 court, but only upon request of the public employer and only
35 if the court determines the suspension or modification is in

1 the public interest.

2 Sec. 9. Section 20.15, Code 2024, is amended by striking the
3 section and inserting in lieu thereof the following:

4 **20.15 Elections.**

5 1. Upon the filing of a petition for certification of an
6 employee organization, the board shall submit a question to
7 the public employees at an election in the bargaining unit
8 found appropriate by the board. The question on the ballot
9 shall permit the public employees to vote for no bargaining
10 representation or for any employee organization which has
11 petitioned for certification or which has presented proof
12 satisfactory to the board of support of ten percent or more of
13 the public employees in the appropriate unit.

14 2. If a majority of the votes cast on the question is
15 for no bargaining representation, the public employees in
16 the bargaining unit found appropriate by the board shall not
17 be represented by an employee organization. If a majority
18 of the votes cast on the question is for a listed employee
19 organization, then that employee organization shall represent
20 the public employees in the bargaining unit found appropriate
21 by the board.

22 3. If none of the choices on the ballot receive the vote
23 of a majority of the public employees voting, the board shall
24 conduct a runoff election among the two choices receiving the
25 greatest number of votes.

26 4. Upon written objections filed by any party to the
27 election within ten days after notice of the results of
28 the election, if the board finds that misconduct or other
29 circumstances prevented the public employees eligible to
30 vote from freely expressing their preferences, the board may
31 invalidate the election and hold a second election for the
32 public employees.

33 5. Upon completion of a valid election in which the majority
34 choice of the employees voting is determined, the board shall
35 certify the results of the election and shall give reasonable

1 notice of the order to all employee organizations listed on the
2 ballot, the public employers, and the public employees in the
3 appropriate bargaining unit.

4 6. a. A petition for certification as exclusive bargaining
5 representative of a bargaining unit shall not be considered
6 by the board for a period of one year from the date of the
7 noncertification of an employee organization as the exclusive
8 bargaining representative of that bargaining unit following a
9 certification election. A petition for certification as the
10 exclusive bargaining representative of a bargaining unit shall
11 also not be considered by the board if the bargaining unit is
12 at that time represented by a certified exclusive bargaining
13 representative.

14 b. A petition for the decertification of the exclusive
15 bargaining representative of a bargaining unit shall not be
16 considered by the board for a period of one year from the date
17 of its certification, or within one year of its continued
18 certification following a decertification election, or during
19 the duration of a collective bargaining agreement which, for
20 purposes of this section, shall be deemed not to exceed two
21 years. However, if a petition for decertification is filed
22 during the duration of a collective bargaining agreement, the
23 board shall award an election under this section not more than
24 one hundred eighty days and not less than one hundred fifty
25 days prior to the expiration of the collective bargaining
26 agreement. If an employee organization is decertified, the
27 board may receive petitions under section 20.14, provided that
28 no such petition and no election conducted pursuant to such
29 petition within one year from decertification shall include as
30 a party the decertified employee organization.

31 c. A collective bargaining agreement with the state, its
32 boards, commissions, departments, and agencies shall be for two
33 years. The provisions of a collective bargaining agreement or
34 arbitrator's award affecting state employees shall not provide
35 for renegotiations which would require the refinancing of

1 salary and fringe benefits for the second year of the term of
2 the agreement, except as provided in section 20.17, subsection
3 6. The effective date of any such agreement shall be July 1 of
4 odd-numbered years, provided that if an exclusive bargaining
5 representative is certified on a date which will prevent the
6 negotiation of a collective bargaining agreement prior to
7 July 1 of odd-numbered years for a period of two years, the
8 certified collective bargaining representative may negotiate
9 a one-year contract with the public employer which shall be
10 effective from July 1 of the even-numbered year to July 1
11 of the succeeding odd-numbered year when new contracts shall
12 become effective.

13 Sec. 10. Section 20.17, subsection 8, Code 2024, is amended
14 by striking the subsection and inserting in lieu thereof the
15 following:

16 8. The salaries of all public employees of the state under
17 a merit system and all other fringe benefits which are granted
18 to all public employees of the state shall be negotiated with
19 the governor or the governor's designee on a statewide basis,
20 except those benefits which are not subject to negotiations
21 pursuant to the provisions of section 20.9.

22 Sec. 11. Section 20.17, Code 2024, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 8A. A public employee or any employee
25 organization shall not negotiate or attempt to negotiate
26 directly with a member of the governing board of a public
27 employer if the public employer has appointed or authorized
28 a bargaining representative for the purpose of bargaining
29 with the public employees or their representative, unless the
30 member of the governing board is the designated bargaining
31 representative of the public employer.

32 Sec. 12. Section 20.22, subsections 2, 3, 7, 9, and 10, Code
33 2024, are amended to read as follows:

34 2. Each party shall serve its final offer on each of
35 the impasse items upon the other party within four days of

1 the board's receipt of the request for arbitration, ~~or by a~~
2 ~~deadline otherwise agreed upon by the parties.~~ The parties may
3 continue to negotiate all offers until an agreement is reached
4 or an award is rendered by the arbitrator. The full costs of
5 arbitration under **this section** shall be shared equally by the
6 parties to the dispute.

7 3. The submission of the impasse items to the arbitrator
8 shall be limited to those items upon which the parties have
9 not reached agreement. With respect to each such item, the
10 arbitrator's award shall be restricted to the final offers on
11 each impasse item submitted by the parties to the arbitrator,
12 ~~except as provided in **subsection 10**, paragraph "b".~~

13 7. ~~For an arbitration involving a bargaining unit that~~
14 ~~has at least thirty percent of members who are public safety~~
15 ~~employees, the~~ The arbitrator shall consider and ~~specifically~~
16 ~~address in the arbitrator's determination,~~ in addition to any
17 other relevant factors, the following factors:

18 a. Past collective bargaining contracts between the parties
19 including the bargaining that led up to such contracts.

20 b. Comparison of wages, hours, and conditions of employment
21 of the involved public employees with those of other public
22 employees doing comparable work, giving consideration to
23 factors peculiar to the area and the classifications involved.

24 c. The interests and welfare of the public, the ability of
25 the public employer to finance economic adjustments, and the
26 effect of such adjustments on the normal standard of services.

27 d. The power of the public employer to levy taxes and
28 appropriate funds for the conduct of its operations.

29 9. ~~a.~~ The arbitrator may administer oaths, examine
30 witnesses and documents, take testimony and receive evidence,
31 and issue subpoenas to compel the attendance of witnesses and
32 the production of records. The arbitrator may petition the
33 district court at the seat of government or of the county
34 in which the hearing is held to enforce the order of the
35 arbitrator compelling the attendance of witnesses and the

1 production of records.

2 ~~b. Except as required for purposes of the consideration of~~
3 ~~the factors specified in subsection 7, paragraphs "a" through~~
4 ~~"c", and subsection 8, paragraph "a", subparagraphs (1) through~~
5 ~~(3), the parties shall not introduce, and the arbitrator~~
6 ~~shall not accept or consider, any direct or indirect evidence~~
7 ~~regarding any subject excluded from negotiations pursuant to~~
8 ~~section 20.9.~~

9 10. ~~a.~~ The arbitrator shall select within fifteen
10 days after the hearing the most reasonable offer, in the
11 arbitrator's judgment, of the final offers on each impasse item
12 submitted by the parties.

13 ~~b. (1) However, for an arbitration involving a bargaining~~
14 ~~unit that does not have at least thirty percent of members who~~
15 ~~are public safety employees, with respect to any increase in~~
16 ~~base wages, the arbitrator's award shall not exceed the lesser~~
17 ~~of the following percentages in any one-year period in the~~
18 ~~duration of the bargaining agreement:~~

19 ~~(a) Three percent.~~

20 ~~(b) A percentage equal to the increase in the consumer~~
21 ~~price index for all urban consumers for the midwest region,~~
22 ~~if any, as determined by the United States department of~~
23 ~~labor, bureau of labor statistics, or a successor index. Such~~
24 ~~percentage shall be the change in the consumer price index~~
25 ~~for the twelve-month period beginning eighteen months prior~~
26 ~~to the month in which the impasse item regarding base wages~~
27 ~~was submitted to the arbitrator and ending six months prior to~~
28 ~~the month in which the impasse item regarding base wages was~~
29 ~~submitted to the arbitrator.~~

30 ~~(2) To assist the parties in the preparation of their final~~
31 ~~offers on an impasse item regarding base wages, the board~~
32 ~~shall provide information to the parties regarding the change~~
33 ~~in the consumer price index for all urban consumers for the~~
34 ~~midwest region for any twelve-month period. The department of~~
35 ~~workforce development shall assist the board in preparing such~~

1 ~~information upon request.~~

2 Sec. 13. Section 20.22, subsection 8, Code 2024, is amended
3 by striking the subsection.

4 Sec. 14. Section 20.26, subsection 4, Code 2024, is amended
5 to read as follows:

6 4. Nothing in **this section** shall be construed to prohibit
7 voluntary contributions by individuals to political parties
8 or candidates, ~~provided that such contributions are not made~~
9 ~~through payroll deductions.~~

10 Sec. 15. Section 20.29, Code 2024, is amended to read as
11 follows:

12 **20.29 Filing agreement — public access — internet site.**

13 ~~1. Collective bargaining agreements shall be in writing and~~
14 ~~shall be signed by the parties.~~

15 ~~2. A copy of a collective bargaining agreement entered into~~
16 ~~between a public employer and a certified employee organization~~
17 ~~and made final under **this chapter** shall be filed with the board~~
18 ~~by the public employer within ten days of the date on which the~~
19 ~~agreement is entered into.~~

20 ~~3. Copies of collective bargaining agreements entered~~
21 ~~into between the state and the state employees' bargaining~~
22 ~~representatives and made final under **this chapter** shall be~~
23 ~~filed with the secretary of state and be made available to the~~
24 ~~public at cost.~~

25 ~~4. The board shall maintain an internet site that allows~~
26 ~~searchable access to a database of collective bargaining~~
27 ~~agreements and other collective bargaining information.~~

28 Sec. 16. Section 20.30, Code 2024, is amended by striking
29 the section and inserting in lieu thereof the following:

30 **20.30 Supervisory member — no reduction before retirement.**

31 1. A supervisory member of any department or agency
32 employed by the state of Iowa shall not be granted a voluntary
33 reduction to a nonsupervisory rank or grade during the six
34 months preceding retirement of the member. A member of any
35 department or agency employed by the state of Iowa who retires

1 in less than six months after voluntarily requesting and
2 receiving a reduction in rank or grade from a supervisory to a
3 nonsupervisory position shall be ineligible for a benefit to
4 which the member is entitled as a nonsupervisory member but is
5 not entitled as a supervisory member.

6 2. The provisions of this section shall be effective during
7 the collective bargaining agreement in effect from July 1,
8 1979, to June 30, 1981.

9 Sec. 17. Section 20.31, subsection 2, unnumbered paragraph
10 1, Code 2024, is amended to read as follows:

11 A mediator shall not be required to testify in any judicial,
12 administrative, ~~arbitration~~, or grievance proceeding regarding
13 any matters occurring in the course of a mediation, including
14 any verbal or written communication or behavior, other than
15 facts relating exclusively to the timing or scheduling of
16 mediation. A mediator shall not be required to produce or
17 disclose any documents, including notes, memoranda, or other
18 work product, relating to mediation, other than documents
19 relating exclusively to the timing or scheduling of mediation.
20 This subsection shall not apply in any of the following
21 circumstances:

22 Sec. 18. Section 22.7, subsection 69, Code 2024, is amended
23 to read as follows:

24 69. The evidence of public employee support for
25 the certification, ~~retention and recertification~~, or
26 decertification of an employee organization as defined in
27 section 20.3 that is submitted to the public employment
28 relations board as provided in [section 20.14](#) or [20.15](#).

29 Sec. 19. Section 22.7, subsection 70, Code 2024, is amended
30 by striking the subsection.

31 Sec. 20. Section 70A.17A, Code 2024, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 3. This section shall not affect a payroll
34 deduction elected by a state employee pursuant to section
35 70A.19.

1 Sec. 21. Section 70A.19, Code 2024, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **70A.19 Duration of state payroll deduction for dues of**
4 **employee organization member.**

5 A state employee who elects a payroll deduction for
6 membership dues to an employee organization pursuant to the
7 provisions of a collective bargaining agreement negotiated
8 under the provisions of chapter 20 shall maintain the deduction
9 for a period of one year or until the expiration of the
10 collective bargaining agreement, whichever occurs first. A
11 state employee who transfers employment to a position covered
12 by a different collective bargaining agreement or who becomes
13 a management employee is not subject to this requirement.
14 With respect to state employees, this section supersedes the
15 provisions of section 20.9 allowing termination of a dues
16 checkoff at any time but does not supersede the requirement for
17 thirty days' written notice of termination.

18 Sec. 22. Section 412.2, subsection 1, Code 2024, is amended
19 to read as follows:

20 1. From the proceeds of the assessments on the wages
21 and salaries of employees, of any such waterworks system,
22 or other municipally owned and operated public utility,
23 eligible to receive the benefits thereof. Notwithstanding
24 any provisions of section 20.9 to the contrary, a council,
25 board of waterworks, or other board or commission which
26 establishes a pension and annuity retirement system pursuant to
27 this chapter, shall negotiate in good faith with a certified
28 employee organization as defined in section 20.3, which is the
29 collective bargaining representative of the employees, with
30 respect to the amount or rate of the assessment on the wages
31 and salaries of employees and the method or methods for payment
32 of the assessment by the employees.

33 Sec. 23. Section 602.1401, subsection 3, paragraph b, Code
34 2024, is amended to read as follows:

35 b. For purposes of **chapter 20**, the certified representative,

1 which on July 1, 1983, represents employees who become judicial
2 branch employees as a result of 1983 Iowa Acts, ch. 186, shall
3 remain the certified representative when the employees become
4 judicial branch employees and thereafter, unless the public
5 employee organization is ~~not retained and recertified or is~~
6 decertified in an election held under section 20.15 or amended
7 or absorbed into another certified organization pursuant to
8 chapter 20. Collective bargaining negotiations shall be
9 conducted on a statewide basis and the certified employee
10 organizations which engage in bargaining shall negotiate on a
11 statewide basis, although bargaining units shall be organized
12 by judicial district. The public employment relations board
13 shall adopt rules pursuant to chapter 17A to implement this
14 subsection.

15 Sec. 24. REPEAL. Sections 20.32 and 20.33, Code 2024, are
16 repealed.

17 Sec. 25. TRANSITION PROCEDURES — DEADLINE — EMERGENCY
18 RULES.

19 1. As of the effective date of this division of this Act,
20 parties, mediators, and arbitrators engaging in any collective
21 bargaining procedures provided for in chapter 20, Code 2024,
22 who have not, before the effective date of this division
23 of this Act, completed such procedures, shall immediately
24 terminate any such procedures in process. A collective
25 bargaining agreement negotiated pursuant to such procedures in
26 process shall not become effective. Parties, mediators, and
27 arbitrators shall not engage in further collective bargaining
28 procedures except as provided in this section. Such parties
29 shall commence collective bargaining in accordance with section
30 20.17, as amended in this division of this Act. Such parties
31 shall complete such bargaining not later than June 30, 2024,
32 unless the parties mutually agree to a different deadline.

33 2. The public employment relations board shall adopt
34 emergency rules under section 17A.4, subsection 3, and section
35 17A.5, subsection 2, paragraph "b", to provide for procedures

1 as deemed necessary to implement the provisions of this
2 section within five business days of the effective date of
3 this Act and shall submit such rules to the administrative
4 rules coordinator and the administrative code editor pursuant
5 to section 17A.5, subsection 1, within the same period. The
6 rules shall be effective immediately upon filing unless a later
7 date is specified in the rules. Such rules shall include but
8 are not limited to alternative deadlines for completion of the
9 procedures provided in sections 20.17 and 20.22, as amended by
10 this division of this Act, and sections 20.19 and 20.20, which
11 deadlines may be waived by mutual agreement of the parties.

12 3. The department of administrative services shall adopt
13 emergency rules under section 17A.4, subsection 3, and
14 section 17A.5, subsection 2, paragraph "b", to provide for the
15 implementation of section 70A.19, as amended by this division
16 of this Act within five business days of the effective date
17 of this Act and shall submit such rules to the administrative
18 rules coordinator and the administrative code editor pursuant
19 to section 17A.5, subsection 1, within the same period. The
20 rules shall be effective immediately upon filing unless a later
21 date is specified in the rules.

22 Sec. 26. ELECTIONS — DIRECTIVES TO PUBLIC EMPLOYMENT
23 RELATIONS BOARD.

24 1. The public employment relations board shall cancel any
25 elections scheduled or in process pursuant to section 20.15,
26 subsection 2, Code 2024, as of the effective date of this Act.

27 2. Notwithstanding section 20.15, subsection 1, paragraph
28 "c", Code 2024, the public employment relations board
29 shall consider a petition for certification of an employee
30 organization as the exclusive representative of a bargaining
31 unit for which an employee organization was not retained and
32 recertified as the exclusive representative of that bargaining
33 unit regardless of the amount of time that has elapsed since
34 the retention and recertification election at which an employee
35 organization was not retained or recertified.

1 later than the last day of the current school year or the date
2 specified by the employing board for return of the contract,
3 whichever date occurs first. However, a teacher shall not be
4 required to return a contract to the board or to resign less
5 than twenty-one days after the contract has been offered.

6 5. Notwithstanding the other provisions of [this section](#), a
7 temporary contract may be issued to a teacher ~~for a period of~~
8 ~~up to six months. Notwithstanding the other provisions of this~~
9 ~~section, a temporary contract may also be issued to a teacher~~
10 to fill a vacancy created by a leave of absence in accordance
11 with the provisions of [section 29A.28](#), which contract shall
12 automatically terminate upon return from military leave of the
13 former incumbent of the teaching position. ~~Temporary contracts~~
14 and which contract shall not be subject to the provisions of
15 sections 279.15 through 279.19, or [section 279.27](#). A separate
16 extracurricular contract issued pursuant to [section 279.19A](#) to
17 a person issued a temporary contract under [this section](#) shall
18 automatically terminate with the termination of the temporary
19 contract as required under [section 279.19A, subsection 8](#).

20 Sec. 30. Section 279.13, subsection 4, unnumbered paragraph
21 1, Code 2024, is amended to read as follows:

22 For purposes of [this section](#), [sections 279.14, 279.15,](#)
23 ~~[279.16](#)~~ [through 279.17, 279.19, and 279.27](#), unless the context
24 otherwise requires, "teacher" includes the following individuals
25 employed by a community college:

26 Sec. 31. Section 279.14, Code 2024, is amended to read as
27 follows:

28 **279.14 Evaluation criteria and procedures.**

29 1. The board shall establish evaluation criteria and shall
30 implement evaluation procedures. If an exclusive bargaining
31 representative has been certified, the board shall negotiate
32 in good faith with respect to evaluation procedures pursuant
33 to chapter 20.

34 2. The determination of standards of performance expected
35 of school district personnel shall be reserved as an exclusive

1 management right of the school board and shall not be subject
2 to mandatory negotiations under [chapter 20](#). ~~Objections~~
3 Notwithstanding chapter 20, objections to the procedures,
4 use, or content of an evaluation in a teacher termination
5 proceeding brought before the school board in a hearing held in
6 accordance with [section 279.16](#) or [279.27](#) shall not be subject
7 to any the grievance procedures negotiated in accordance with
8 chapter 20. A school district shall not be obligated to
9 process any evaluation grievance after service of a notice and
10 recommendation to terminate an individual's continuing teaching
11 contract in accordance with this chapter.

12 Sec. 32. Section 279.15, subsection 2, paragraph c, Code
13 2024, is amended to read as follows:

14 c. Within five days of the receipt of the written notice
15 that the superintendent is recommending termination of the
16 contract, the teacher may request, in writing to the secretary
17 of the board, a private hearing with the board. The private
18 hearing shall not be subject to [chapter 21](#) and shall be held
19 no sooner than ~~twenty~~ ten days and no later than ~~forty~~ twenty
20 days following the receipt of the request unless the parties
21 otherwise agree. The secretary of the board shall notify the
22 teacher in writing of the date, time, and location of the
23 private hearing, and at least ~~ten~~ five days before the hearing
24 shall also furnish to the teacher any documentation which
25 may be presented to the board at the private hearing and a
26 list of persons who may address the board in support of the
27 superintendent's recommendation at the private hearing. At
28 least ~~seven~~ three days before the hearing, the teacher shall
29 provide any documentation the teacher expects to present at
30 the private hearing, along with the names of any persons who
31 may address the board on behalf of the teacher. This exchange
32 of information shall be at the time specified unless otherwise
33 agreed.

34 Sec. 33. Section 279.16, Code 2024, is amended by striking
35 the section and inserting in lieu thereof the following:

1 **279.16 Private hearing — decision — record.**

2 1. The participants at the private hearing shall be
3 at least a majority of the members of the board, their
4 legal representatives, if any, the superintendent, the
5 superintendent's designated representatives, if any, the
6 teacher's immediate supervisor, the teacher, the teacher's
7 representatives, if any, and the witnesses for the parties.
8 The evidence at the private hearing shall be limited to the
9 specific reasons stated in the superintendent's notice of
10 recommendation of termination. No participant in the hearing
11 shall be liable for any damages to any person if any statement
12 at the hearing is determined to be erroneous as long as the
13 statement was made in good faith. The superintendent shall
14 present evidence and argument on all issues involved and
15 the teacher may cross-examine, respond and present evidence
16 and argument in the teacher's behalf relevant to all issues
17 involved. Evidence may be by stipulation of the parties and
18 informal settlement may be made by stipulation, consent, or
19 default or by any other method agreed upon by the parties in
20 writing. The board shall employ a certified shorthand reporter
21 to keep a record of the private hearing. The proceedings
22 or any part thereof shall be transcribed at the request of
23 either party with the expense of transcription charged to the
24 requesting party.

25 2. The presiding officer of the board may administer oaths
26 in the same manner and with like effect and under the same
27 penalties as in the case of magistrates exercising criminal
28 or civil jurisdiction. The board shall cause subpoenas to be
29 issued for such witnesses and the production of such books
30 and papers as either the board or the teacher may designate.
31 The subpoenas shall be signed by the presiding officer of the
32 board.

33 3. In case a witness is duly subpoenaed and refuses to
34 attend, or in case a witness appears and refuses to testify
35 or to produce required books or papers, the board shall,

1 in writing, report such refusal to the district court of
2 the county in which the administrative office of the school
3 district is located, and the court shall proceed with the
4 person or witness as though the refusal had occurred in a
5 proceeding legally pending before the court.

6 4. The board shall not be bound by common law or statutory
7 rules of evidence or by technical or formal rules of procedure,
8 but it shall hold the hearing in such manner as is best suited
9 to ascertain and conserve the substantial rights of the
10 parties. Process and procedure under sections 279.13 through
11 279.19 shall be as summary as reasonably may be.

12 5. At the conclusion of the private hearing, the
13 superintendent and the teacher may file written briefs and
14 arguments with the board within three days or such other time
15 as may be agreed upon.

16 6. If the teacher fails to timely request a private hearing
17 or does not appear at the private hearing, the board may
18 proceed 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
26 and, if the board votes to continue the teacher's contract,
27 whether to suspend the teacher with or without pay for a period
28 specified by the board.

29 7. Within five days after the private hearing, the board
30 shall, in executive session, meet to make a final decision
31 upon the recommendation and the evidence as herein provided.
32 The board shall also consider any written brief and arguments
33 submitted by the superintendent and the teacher.

34 8. The record for a private hearing shall include:

35 a. All pleadings, motions and intermediate rulings.

1 *b.* All evidence received or considered and all other
2 submissions.

3 *c.* A statement of all matters officially noticed.

4 *d.* All questions and offers of proof, objections, and
5 rulings thereon.

6 *e.* All findings and exceptions.

7 *f.* Any decision, opinion, or conclusion by the board.

8 *g.* Findings of fact shall be based solely on the evidence in
9 the record and on matters officially noticed in the record.

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

17 10. When the board has reached a decision, opinion, or
18 conclusion, it shall convene in open meeting and by roll
19 call vote determine the continuance or discontinuance of the
20 teacher's contract and, if the board votes to continue the
21 teacher's contract, whether to suspend the teacher with or
22 without pay for a period specified by the board. The record
23 of the private conference and findings of fact and exceptions
24 shall be exempt from the provisions of [chapter 22](#). The
25 secretary of the board shall immediately mail notice of the
26 board's action to the teacher.

27 Sec. 34. NEW SECTION. 279.17 **Appeal by teacher to**
28 **adjudicator.**

29 1. If the teacher is no longer a probationary teacher, the
30 teacher may, within ten days, appeal the determination of the
31 board to an adjudicator by filing a notice of appeal with the
32 secretary of the board. The notice of appeal shall contain a
33 concise statement of the action which is the subject of the
34 appeal, the particular board action appealed from, the grounds
35 on which relief is sought and the relief sought.

1 2. Within five days following receipt by the secretary
2 of the notice of appeal, the board or the board's legal
3 representative, if any, and the teacher or the teacher's
4 representative, if any, may select an adjudicator who resides
5 within the boundaries of the merged area in which the school
6 district is located. If an adjudicator cannot be mutually
7 agreed upon within the five-day period, the secretary shall
8 notify the chairperson of the public employment relations board
9 by transmitting the notice of appeal, and the chairperson of
10 the public employment relations board shall within five days
11 provide a list of five adjudicators to the parties. Within
12 three days from receipt of the list of adjudicators, the
13 parties shall select an adjudicator by alternately removing a
14 name from the list until only one name remains. The person
15 whose name remains shall be the adjudicator. The parties shall
16 determine by lot which party shall remove the first name from
17 the list submitted by the chairperson of the public employment
18 relations board. The secretary of the board shall inform the
19 chairperson of the public employment relations board of the
20 name of the adjudicator selected.

21 3. If the teacher does not timely request an appeal to an
22 adjudicator, the decision, opinion, or conclusion of the board
23 shall become final and binding.

24 4. *a.* Within thirty days after filing the notice of appeal,
25 or within further time allowed by the adjudicator, the board
26 shall transmit to the adjudicator the original or a certified
27 copy of the entire record of the private hearing which may be
28 the subject of the petition. By stipulation of the parties
29 to review the proceedings, the record of the case may be
30 shortened. The adjudicator may require or permit subsequent
31 corrections or additions to the shortened record.

32 *b.* The record certified and filed by the board shall be the
33 record upon which the appeal shall be heard and no additional
34 evidence shall be heard by the adjudicator. In such appeal to
35 the adjudicator, especially when considering the credibility

1 of witnesses, the adjudicator shall give weight to the fact
2 findings of the board but shall not be bound by them.

3 5. Before the date set for hearing a petition for review
4 of board action, which shall be within ten days after
5 receipt of the record unless otherwise agreed or unless the
6 adjudicator orders additional evidence be taken before the
7 board, application may be made to the adjudicator for leave to
8 present evidence in addition to that found in the record of the
9 case. If it is shown to the adjudicator that the additional
10 evidence is material and that there were good reasons for
11 failure to present it in the private hearing before the board,
12 the adjudicator may order that the additional evidence be taken
13 before the board upon conditions determined by the adjudicator.
14 The board may modify its findings and decision in the case by
15 reason of the additional evidence and shall file that evidence
16 and any modifications, new findings, or decisions, with the
17 adjudicator and mail copies of the new findings or decisions
18 to the teacher.

19 6. The adjudicator may affirm board action or remand to the
20 board for further proceedings. The adjudicator shall reverse,
21 modify, or grant any appropriate relief from the board action
22 if substantial rights of the teacher have been prejudiced
23 because the board action is any of the following:

24 a. In violation of a board rule or policy or contract.

25 b. Unsupported by a preponderance of the competent evidence
26 in the record made before the board when that record is viewed
27 as a whole.

28 c. Unreasonable, arbitrary, or capricious, or characterized
29 by an abuse of discretion or a clearly unwarranted exercise of
30 discretion.

31 7. The adjudicator shall, within fifteen days after the
32 hearing, make a decision and shall give a copy of the decision
33 to the teacher and the secretary of the board. The decision
34 of the adjudicator shall become the final and binding decision
35 of the board unless either party within ten days notifies the

1 secretary of the board that the decision is rejected. The
2 board may reject the decision by majority roll call vote, in
3 open meeting, entered into the minutes of the meeting. The
4 board shall immediately notify the teacher of its decision
5 by certified mail. The teacher may reject the adjudicator's
6 decision by notifying the board's secretary in writing within
7 ten days of the filing of such decision.

8 8. All costs of the adjudicator shall be shared equally by
9 the teacher and the board.

10 Sec. 35. Section 279.18, Code 2024, is amended by striking
11 the section and inserting in lieu thereof the following:

12 **279.18 Appeal by either party to court.**

13 1. If either party rejects the adjudicator's decision,
14 the rejecting party shall, within thirty days of the initial
15 filing of such decision, appeal to the district court of
16 the county in which the administrative office of the school
17 district is located. The notice of appeal shall be immediately
18 mailed by certified mail to the other party. The adjudicator
19 shall transmit to the reviewing court the original or a
20 certified copy of the entire record which may be the subject
21 of the petition. By stipulation of all parties to the review
22 proceedings, the record of such a case may be shortened. A
23 party unreasonably refusing to stipulate to limit the record
24 may be taxed by the court for the additional cost. The court
25 may require or permit subsequent corrections or additions to
26 the shortened record.

27 2. In proceedings for judicial review of the adjudicator's
28 decision, the court shall not hear any further evidence
29 but shall hear the case upon the certified record. In such
30 judicial review, especially when considering the credibility of
31 witnesses, the court shall give weight to the fact findings of
32 the board but shall not be bound by them. The court may affirm
33 the adjudicator's decision or remand to the adjudicator or the
34 board for further proceedings upon conditions determined by the
35 court. The court shall reverse, modify, or grant any other

1 appropriate relief from the board decision or the adjudicator's
2 decision equitable or legal and including declaratory relief
3 if substantial rights of the petitioner have been prejudiced
4 because the action is any of the following:

5 *a.* In violation of constitutional or statutory provisions.

6 *b.* In excess of the statutory authority of the board or the
7 adjudicator.

8 *c.* In violation of a board rule or policy or contract.

9 *d.* Made upon unlawful procedure.

10 *e.* Affected by other error of law.

11 *f.* Unsupported by a preponderance of the competent evidence
12 in the record made before the board and the adjudicator when
13 that record is viewed as a whole.

14 *g.* Unreasonable, arbitrary, or capricious, or characterized
15 by an abuse of discretion or a clearly unwarranted exercise of
16 discretion.

17 3. An aggrieved or adversely affected party to the judicial
18 review proceeding may obtain a review of any final judgment of
19 the district court by appeal to the supreme court. The appeal
20 shall be taken as in other civil cases, although the appeal may
21 be taken regardless of the amount involved.

22 4. For purposes of this section, unless the context
23 otherwise requires, "*rejecting party*" shall include but not be
24 limited to an instructor employed by a community college.

25 Sec. 36. Section 279.19, Code 2024, is amended by striking
26 the section and inserting in lieu thereof the following:

27 **279.19 Probationary period.**

28 1. The first three consecutive years of employment of
29 a teacher in the same school district are a probationary
30 period. However, if the teacher has successfully completed a
31 probationary period of employment for another school district
32 located in Iowa, the probationary period in the current
33 district of employment shall not exceed one year. A board of
34 directors may waive the probationary period for any teacher who
35 previously has served a probationary period in another school

1 district and the board may extend the probationary period for
2 an additional year with the consent of the teacher.

3 2. a. In the case of the termination of a probationary
4 teacher's contract, the provisions of sections 279.15 and
5 279.16 shall apply. However, if the probationary teacher is a
6 beginning teacher who fails to demonstrate competence in the
7 Iowa teaching standards in accordance with chapter 284, the
8 provisions of sections 279.17 and 279.18 shall also apply.

9 b. The board's decision shall be final and binding unless
10 the termination was based upon an alleged violation of a
11 constitutionally guaranteed right of the teacher or an alleged
12 violation of public employee rights of the teacher under
13 section 20.10.

14 3. Notwithstanding any provision to the contrary, the
15 grievance procedures of section 20.18 relating to job
16 performance or job retention shall not apply to a teacher
17 during the first two years of the teacher's probationary
18 period. However, this subsection shall not apply to a teacher
19 who has successfully completed a probationary period in a
20 school district in Iowa.

21 Sec. 37. Section 279.19A, subsections 1, 2, 7, and 8, Code
22 2024, are amended to read as follows:

23 1. School districts employing individuals to coach
24 interscholastic athletic sports shall issue a separate
25 extracurricular contract for each of these sports. An
26 extracurricular contract offered under [this section](#) shall be
27 separate from the contract issued under [section 279.13](#). Wages
28 for employees who coach these sports shall be paid pursuant
29 to established or negotiated supplemental pay schedules.

30 An extracurricular contract shall be in writing, and shall
31 state the number of contract days for that sport, the annual
32 compensation to be paid, and any other matters as may be
33 mutually agreed upon. The contract shall be for a single
34 school year.

35 2. a. An extracurricular contract shall be continued

1 automatically in force and effect for equivalent periods,
 2 except as modified or terminated by mutual agreement of
 3 the board of directors and the employee, or terminated in
 4 accordance with this section. An extracurricular contract
 5 shall initially be offered by the employing board to an
 6 individual on the same date that contracts are offered to
 7 teachers under section 279.13. An extracurricular contract
 8 may be terminated at the end of a school year pursuant to
 9 sections 279.15 through 279.19. If the school district offers
 10 an extracurricular contract for a sport for the subsequent
 11 school year to an employee who is currently performing
 12 under an extracurricular contract for that sport, and the
 13 employee does not wish to accept the extracurricular contract
 14 for the subsequent year, the employee may resign from the
 15 extracurricular contract within twenty-one days after it has
 16 been received.

17 ~~b. If the provisions of an extracurricular contract executed~~
 18 ~~under this section conflict with a collective bargaining~~
 19 ~~agreement negotiated under chapter 20 and effective when the~~
 20 ~~extracurricular contract is executed or renewed, the provisions~~
 21 ~~of the collective bargaining agreement shall prevail Section~~
 22 ~~279.13, subsection 3, applies to this section.~~

23 7. An extracurricular contract may be terminated prior to
 24 the expiration of that contract ~~for any lawful reason following~~
 25 ~~an informal, private hearing before the board of directors~~
 26 ~~pursuant to section 279.27. The decision of the board to~~
 27 ~~terminate an extracurricular contract shall be final.~~

28 8. a. A termination proceeding regarding an extracurricular
 29 contract ~~shall~~ either by the board pursuant to subsection 2 or
 30 pursuant to section 279.27 does not affect a contract issued
 31 pursuant to section 279.13.

32 b. A termination of a contract entered into pursuant to
 33 section 279.13, or a resignation from that contract by the
 34 teacher, constitutes an automatic termination or resignation of
 35 the extracurricular contract in effect between the same teacher

1 and the employing school board.

2 Sec. 38. Section 279.23, subsection 1, paragraph c, Code
3 2024, is amended to read as follows:

4 c. The rate of compensation per week of five consecutive
5 days or per month of four consecutive weeks.

6 Sec. 39. Section 279.23, subsection 5, Code 2024, is amended
7 to read as follows:

8 5. Notwithstanding the other provisions of [this section](#),
9 a temporary contract may be issued to an administrator ~~for~~
10 ~~up to nine months. Notwithstanding the other provisions of~~
11 ~~this section~~, a temporary contract may also be issued to
12 an administrator to fill a vacancy created by a leave of
13 absence in accordance with the provisions of [section 29A.28](#),
14 which contract shall automatically terminate upon return from
15 military leave of the former incumbent of the administrator
16 position. ~~Temporary contracts and which contract~~ shall not be
17 subject to the provisions of [sections 279.24](#) and [279.25](#).

18 Sec. 40. Section 279.24, subsections 2 and 4, Code 2024, are
19 amended to read as follows:

20 2. If the board of directors is considering termination of
21 an administrator's contract, prior to any formal action, the
22 board may arrange to meet in closed session, in accordance with
23 the provisions of [section 21.5](#), with the administrator and the
24 administrator's representative. The board shall review the
25 administrator's evaluation, review the reasons for nonrenewal,
26 and give the administrator an opportunity to respond. If,
27 following the closed session, the board of directors and the
28 administrator are unable to mutually agree to a modification
29 or termination of the administrator's contract, or the board
30 of directors ~~may issue~~ and the administrator are unable to
31 mutually agree to enter into a one-year, nonrenewable contract,
32 ~~to the administrator. If the board of directors decides to~~
33 ~~terminate the administrator's contract, the board shall follow~~
34 the procedures in [this section](#).

35 4. Administrators employed in a school district for

1 less than ~~three~~ two consecutive years are probationary
2 administrators. However, a school board may waive the
3 probationary period for any administrator who has previously
4 served a probationary period in another school district and
5 the school board may extend the probationary period for an
6 additional year with the consent of the administrator. If a
7 school board determines that it should terminate a probationary
8 administrator's contract, the school board shall notify the
9 administrator not later than May 15 that the contract will not
10 be renewed beyond the current year. The notice shall be in
11 writing by letter, personally delivered, or mailed by certified
12 mail. The notification shall be complete when received by the
13 administrator. Within ten days after receiving the notice, the
14 administrator may request a private conference with the school
15 board to discuss the reasons for termination. The school
16 board's decision to terminate a probationary administrator's
17 contract shall be final unless the termination was based upon
18 an alleged violation of a constitutionally guaranteed right of
19 the administrator.

20 Sec. 41. Section 279.24, subsection 5, paragraphs c, d, e,
21 f, g, and h, Code 2024, are amended to read as follows:

22 c. Within five days after receipt of the written notice
23 that the school board has voted to consider termination of
24 the contract, the administrator may request ~~a private hearing~~
25 in writing to the secretary of the school board. ~~The board~~
26 ~~shall then forward~~ that the notification be forwarded to the
27 board of educational examiners along with a request that the
28 board of educational examiners submit a list of five qualified
29 administrative law judges who are employed by the division
30 of administrative hearings created by [section 10A.801](#) to the
31 parties. Within three days from receipt of the list the
32 parties shall select an administrative law judge by alternately
33 removing a name from the list until only one name remains.
34 The person whose name remains shall be the administrative law
35 judge. The parties shall determine by lot which party shall

1 remove the first name from the list. The ~~private~~ hearing shall
2 be held no sooner than ~~twenty~~ ten days and not later than ~~forty~~
3 thirty days following the administrator's request unless the
4 parties otherwise agree. If the administrator does not request
5 a private hearing, the school board, not later than May 31, may
6 determine the continuance or discontinuance of the contract
7 and, if the board determines to continue the administrator's
8 contract, whether to suspend the administrator with or without
9 pay for a period specified by the board. School board action
10 shall be by majority roll call vote entered on the minutes of
11 the meeting. Notice of school board action shall be personally
12 delivered or mailed to the administrator.

13 *d.* The administrative law judge selected shall notify
14 the secretary of the school board and the administrator in
15 writing concerning the date, time, and location of the private
16 hearing. The school board may be represented by a legal
17 representative, if any, and the administrator shall appear and
18 may be represented by counsel or by representative, if any.
19 ~~Any witnesses for the parties at the private hearing shall be~~
20 ~~sequestered.~~ A transcript or recording shall be made of the
21 proceedings at the ~~private~~ hearing. A school board member or
22 administrator is not liable for any damage to an administrator
23 or school board member if a statement made at the ~~private~~
24 hearing is determined to be erroneous as long as the statement
25 was made in good faith.

26 *e.* The administrative law judge shall, within ten days
27 following the date of the ~~private~~ hearing, make a proposed
28 decision as to whether or not the administrator should be
29 dismissed, and shall give a copy of the proposed decision to
30 the administrator and the school board. Findings of fact shall
31 be prepared by the administrative law judge. The proposed
32 decision of the administrative law judge shall become the final
33 decision of the school board unless within ~~thirty~~ ten days
34 after the filing of the decision the administrator files a
35 written notice of appeal with the school board, or the school

1 board on its own motion determines to review the decision.

2 *f.* If the administrator appeals to the school board, or if
3 the school board determines on its own motion to review the
4 proposed decision of the administrative law judge, a private
5 hearing shall be held before the school board within ~~ten~~ five
6 days after the petition for review, or motion for review, has
7 been made or at such other time as the parties agree. The
8 private hearing is not subject to [chapter 21](#). The school board
9 may hear the case de novo upon the record as submitted before
10 the administrative law judge. In cases where there is an
11 appeal from a proposed decision or where a proposed decision
12 is reviewed on motion of the school board, an opportunity
13 shall be afforded to each party to file exceptions, present
14 briefs, and present oral arguments to the school board which
15 is to render the final decision. The secretary of the school
16 board shall give the administrator written notice of the time,
17 place, and date of the private hearing. The school board shall
18 meet within five days after the ~~private~~ hearing to determine
19 the question of continuance or discontinuance of the contract
20 and, if the board determines to continue the administrator's
21 contract, whether to suspend the administrator with or
22 without pay for a period specified by the board ~~or issue the~~
23 ~~administrator a one-year, nonrenewable contract.~~ The school
24 board shall make findings of fact which shall be based solely
25 on the evidence in the record and on matters officially noticed
26 in the record.

27 *g.* The decision of the school board shall be in writing
28 and shall include findings of fact and conclusions of law,
29 separately stated. Findings of fact, if set forth in statutory
30 language, shall be accompanied by a concise and explicit
31 statement of the underlying facts supporting the findings.
32 Each conclusion of law shall be supported by cited authority
33 or by reasoned opinion.

34 *h.* When the school board has reached a decision, opinion,
35 or conclusion, it shall convene in open meeting and by roll

1 call vote determine the continuance or discontinuance of
2 the administrator's contract and, if the board votes to
3 continue the administrator's contract, whether to suspend the
4 administrator with or without pay for a period specified by
5 the board ~~or issue the administrator a one-year, nonrenewable~~
6 ~~contract.~~ The record of the private hearing conference and
7 ~~written decision of the board~~ findings of fact and exceptions
8 shall be exempt from the provisions of [chapter 22](#). The
9 secretary of the school board shall immediately personally
10 deliver or mail notice of the school board's action to the
11 administrator.

12 Sec. 42. Section 279.27, Code 2024, is amended to read as
13 follows:

14 **279.27 Discharge of teacher.**

15 ~~1.~~ A teacher may be discharged at any time during the
16 contract year for just cause. The superintendent or the
17 superintendent's designee, shall notify the teacher immediately
18 that the superintendent will recommend in writing to the board
19 at a regular or special meeting of the board held not more
20 than fifteen days after notification has been given to the
21 teacher that the teacher's continuing contract be terminated
22 effective immediately following a decision of the board.
23 The procedure for dismissal shall be as provided in section
24 279.15, subsection 2, and [sections 279.16 through 279.19](#). The
25 superintendent may suspend a teacher under [this section](#) pending
26 hearing and determination by the board.

27 ~~2.~~ For purposes of [this section](#), ~~"just cause"~~ includes
28 ~~but is not limited to a violation of the code of professional~~
29 ~~conduct and ethics of the board of educational examiners if~~
30 ~~the board has taken disciplinary action against a teacher,~~
31 ~~during the six months following issuance by the board of a~~
32 ~~final written decision and finding of fact after a disciplinary~~
33 ~~proceeding.~~

34 Sec. 43. Section 284.3, subsection 2, Code 2024, is amended
35 to read as follows:

1 2. A school board shall provide for the following:
2 *a.* For purposes of comprehensive evaluations, standards
3 and criteria which measure a beginning teacher's performance
4 against the Iowa teaching standards specified in [subsection 1](#),
5 and the criteria for the Iowa teaching standards developed by
6 the department in accordance with [section 256.9](#), to determine
7 whether the teacher's practice meets the requirements specified
8 for a career teacher. These standards and criteria shall be
9 set forth in an instrument provided by the department. The
10 comprehensive evaluation and instrument are not subject to
11 negotiations or grievance procedures pursuant to [chapter 20](#) or
12 determinations made by the board of directors under section
13 279.14. A local school board and its certified bargaining
14 representative may negotiate, pursuant to chapter 20,
15 evaluation and grievance procedures for beginning teachers that
16 are not in conflict with this chapter. If, in accordance with
17 section 279.19, a beginning teacher appeals the determination
18 of a school board to an adjudicator under section 279.17, the
19 adjudicator selected shall have successfully completed training
20 related to the Iowa teacher standards, the criteria adopted
21 by the state board in accordance with subsection 3, and any
22 additional training required under rules adopted by the public
23 employment relations board in cooperation with the state board.
24 *b.* For purposes of performance reviews for teachers other
25 than beginning teachers, evaluations that contain, at a
26 minimum, the Iowa teaching standards specified in subsection
27 1, as well as the criteria for the Iowa teaching standards
28 developed by the department in accordance with section
29 256.9, subsection 42. A local school board and its certified
30 bargaining representative may negotiate, pursuant to chapter
31 20, additional teaching standards and criteria. A local
32 school board and its certified bargaining representative shall
33 negotiate, pursuant to chapter 20, evaluation and grievance
34 procedures for teachers other than beginning teachers that are
35 not in conflict with this chapter.

1 Sec. 44. Section 284.4, subsection 1, paragraph b,
2 subparagraphs (2) and (5), Code 2024, are amended to read as
3 follows:

4 (2) Monitor the evaluation requirements of [this chapter](#)
5 to ensure evaluations are conducted in a fair and consistent
6 manner throughout the school district or agency. ~~The~~ In
7 addition to any negotiated evaluation procedures, the committee
8 shall develop model evidence for the Iowa teaching standards
9 and criteria. The model evidence will minimize paperwork
10 and focus on teacher improvement. The model evidence will
11 determine which standards and criteria can be met with
12 observation and which evidence meets multiple standards and
13 criteria.

14 (5) ~~Determine~~ Ensure the agreement negotiated pursuant to
15 chapter 20 determines the compensation for teachers on the
16 committee for work responsibilities required beyond the normal
17 work day.

18 Sec. 45. Section 284.8, subsections 2 and 3, Code 2024, are
19 amended to read as follows:

20 2. If a supervisor or an evaluator determines, at any time,
21 as a result of a teacher's performance that the teacher is not
22 meeting district expectations under the Iowa teaching standards
23 specified in [section 284.3, subsection 1](#), paragraphs "a"
24 through "h", ~~and~~ the criteria for the Iowa teaching standards
25 developed by the department in accordance with section 256.9,
26 subsection 42, and any other standards or criteria established
27 in the collective bargaining agreement, the evaluator shall,
28 at the direction of the teacher's supervisor, recommend to
29 the district that the teacher participate in an intensive
30 assistance program. The intensive assistance program and its
31 implementation are ~~not~~ subject to negotiation and grievance
32 procedures established pursuant to [chapter 20](#). All school
33 districts shall be prepared to offer an intensive assistance
34 program.

35 3. A teacher who is not meeting the applicable standards and

1 criteria based on a determination made pursuant to subsection 2
2 shall participate in an intensive assistance program. However,
3 ~~a teacher who has previously participated in an intensive~~
4 ~~assistance program relating to particular Iowa teaching~~
5 ~~standards or criteria shall not be entitled to participate~~
6 ~~in another intensive assistance program relating to the same~~
7 ~~standards or criteria and shall be subject to the provisions of~~
8 ~~subsection 4.~~

9 Sec. 46. Section 284.8, subsection 4, Code 2024, is amended
10 by striking the subsection.

11 Sec. 47. EFFECTIVE DATE. This division of this Act, being
12 deemed of immediate importance, takes effect upon enactment.

13 Sec. 48. APPLICABILITY. This division of this Act applies
14 to employment contracts of school employees entered into
15 pursuant to chapter 279 on and after the effective date of
16 this division of this Act. This division of this Act does
17 not apply to collective bargaining agreements which have been
18 ratified in a ratification election referred to in section
19 20.17, subsection 4, for which an arbitrator has made a final
20 determination as described in section 20.22, subsection 11,
21 or which have become effective, when such events occurred
22 before the effective date of this division of this Act. This
23 division of this Act applies to all collective bargaining
24 procedures provided for in chapter 20 occurring on and after
25 the effective date of this division of this Act and collective
26 bargaining agreements pursuant to chapter 20 for which a
27 ratification election referred to in section 20.17, subsection
28 4, is held, for which an arbitrator makes a final determination
29 as described in section 20.22, subsection 11, or which become
30 effective on or after the effective date of this division of
31 this Act.

32 DIVISION III

33 PERSONNEL RECORDS AND SETTLEMENT AGREEMENTS

34 Sec. 49. Section 22.7, subsection 11, paragraph a,
35 subparagraph (5), Code 2024, is amended to read as follows:

1 (5) The fact that the individual ~~resigned in lieu of~~
2 ~~termination,~~ was discharged, ~~or was demoted~~ as the result of
3 a final disciplinary action, ~~and the documented reasons and~~
4 ~~rationale for the resignation in lieu of termination,~~ the
5 ~~discharge, or the demotion.~~ For purposes of this subparagraph,
6 ~~"demoted"~~ and ~~"demotion"~~ mean a change of an employee from
7 a ~~position in a given classification to a position in a~~
8 ~~classification having a lower pay grade~~ upon the exhaustion of
9 all applicable contractual, legal, and statutory remedies.

10 Sec. 50. REPEAL. Sections 22.13A and 22.15, Code 2024, are
11 repealed.

12 Sec. 51. EFFECTIVE DATE. This division of this Act, being
13 deemed of immediate importance, takes effect upon enactment.

14 Sec. 52. APPLICABILITY. This division of this Act applies
15 to requests for records pursuant to chapter 22 submitted on or
16 after the effective date of this division of this Act.

17 DIVISION IV

18 CITY CIVIL SERVICE REQUIREMENTS

19 Sec. 53. Section 400.12, subsection 4, Code 2024, is amended
20 by striking the subsection.

21 Sec. 54. Section 400.17, subsection 4, Code 2024, is amended
22 to read as follows:

23 4. A person shall not be appointed, denied appointment,
24 promoted, ~~removed,~~ discharged, ~~suspended,~~ or demoted to or
25 from a civil service position or in any other way favored or
26 discriminated against in that position because of political
27 or religious opinions or affiliations, race, national origin,
28 sex, or age, or in retaliation for the exercise of any right
29 enumerated in **this chapter**. However, the maximum age for a
30 police officer or fire fighter covered by **this chapter** and
31 employed for police duty or the duty of fighting fires is
32 sixty-five years of age.

33 Sec. 55. Section 400.18, Code 2024, is amended by striking
34 the section and inserting in lieu thereof the following:

35 **400.18 Removal, demotion, or suspension.**

1 1. A person holding civil service rights as provided in
2 this chapter shall not be removed, demoted, or suspended
3 arbitrarily, except as otherwise provided in this chapter, but
4 may be removed, demoted, or suspended after a hearing by a
5 majority vote of the civil service commission, for neglect of
6 duty, disobedience, misconduct, or failure to properly perform
7 the person's duties.

8 2. The party alleging neglect of duty, disobedience,
9 misconduct, or failure to properly perform a duty shall have
10 the burden of proof.

11 3. A person subject to a hearing has the right to be
12 represented by counsel at the person's expense or by the
13 person's authorized collective bargaining representative.

14 Sec. 56. Section 400.19, Code 2024, is amended to read as
15 follows:

16 **400.19 ~~Removal, or discharge, demotion, or suspension of~~**
17 **subordinates.**

18 The person having the appointing power as provided in
19 this chapter, or the chief of police or chief of the fire
20 department, may, ~~upon presentation of grounds for such action~~
21 ~~to the subordinate in writing, peremptorily remove, discharge,~~
22 ~~demote, or suspend,~~ demote, or discharge a subordinate then
23 under the person's or chief's direction ~~due to any act or~~
24 ~~failure to act by the employee that is in contravention of law,~~
25 ~~city policies, or standard operating procedures, or that in~~
26 ~~the judgment of the person or chief is sufficient to show that~~
27 ~~the employee is unsuitable or unfit for employment~~ for neglect
28 of duty, disobedience of orders, misconduct, or failure to
29 properly perform the subordinate's duties.

30 Sec. 57. Section 400.20, Code 2024, is amended to read as
31 follows:

32 **400.20 Appeal.**

33 The ~~removal, discharge~~ suspension, demotion, or ~~suspension~~
34 discharge of a person holding civil service rights may be
35 appealed to the civil service commission within fourteen

1 calendar days after the ~~removal, discharge~~ suspension,
2 demotion, or ~~suspension~~ discharge.

3 Sec. 58. Section 400.21, Code 2024, is amended to read as
4 follows:

5 **400.21 Notice of appeal.**

6 If the appeal be taken by the person ~~removed, discharged~~
7 suspended, demoted, or ~~suspended~~ discharged, notice of the
8 appeal, signed by the appellant and specifying the ruling
9 appealed from, shall be filed with the clerk of the commission.
10 If the appeal is taken by the person making such ~~removal,~~
11 ~~discharge suspension~~, demotion, or ~~suspension~~ discharge, such
12 notice shall also be served upon the person ~~removed, discharged~~
13 suspended, demoted, or ~~suspended~~ discharged.

14 Sec. 59. Section 400.22, Code 2024, is amended to read as
15 follows:

16 **400.22 Charges.**

17 Within fourteen calendar days from the service of the notice
18 of appeal, the person or body making the ruling appealed
19 from shall file with the body to which the appeal is taken a
20 written specification of the charges and grounds upon which the
21 ruling was based. If the charges are not filed, the person
22 ~~removed, suspended or discharged, demoted, or suspended~~ may
23 present the matter to the body to whom the appeal is to be
24 taken by affidavit, setting forth the facts, and the body to
25 whom the appeal is to be taken shall immediately enter an
26 order reinstating the person ~~removed, suspended or discharged,~~
27 ~~demoted, or suspended~~ for want of prosecution.

28 Sec. 60. Section 400.27, subsection 3, Code 2024, is amended
29 to read as follows:

30 3. The city or any civil service employee shall have a
31 right to appeal to the district court from the final ruling or
32 decision of the civil service commission. The appeal shall be
33 taken within thirty days from the filing of the formal decision
34 of the commission. The district court of the county in which
35 the city is located shall have full jurisdiction of the appeal.

1 ~~The scope of review for the appeal shall be limited to de novo~~
2 ~~appellate review without a trial or additional evidence~~ The
3 appeal shall be a trial de novo as an equitable action in the
4 district court.

5 Sec. 61. Section 400.28, Code 2024, is amended by striking
6 the section and inserting in lieu thereof the following:

7 **400.28 Employees — number diminished.**

8 1. When the public interest requires a diminution of
9 employees in a classification or grade under civil service,
10 the city council, acting in good faith, may do either of the
11 following:

12 a. Abolish the office and remove the employee from the
13 employee's classification or grade thereunder.

14 b. Reduce the number of employees in any classification or
15 grade by suspending the necessary number.

16 2. In case it becomes necessary to remove or suspend any
17 such employees, the persons so removed or suspended shall
18 be those having seniority of the shortest duration in the
19 classifications or grades affected, and such seniority shall be
20 computed as provided in section 400.12 for all persons holding
21 seniority in the classification or grade affected, regardless
22 of their seniority in any other classification or grade, but
23 any such employee so removed from any classification or grade
24 shall revert to the employee's seniority in the next lower
25 grade or classification; if such seniority is equal, then the
26 one less efficient and competent as determined by the person or
27 body having the appointing power shall be the one affected.

28 3. In case of removal or suspension, the civil service
29 commission shall issue to each person affected one certificate
30 showing the person's comparative seniority or length of service
31 in each of the classifications or grades from which the person
32 is so removed and the fact that the person has been honorably
33 removed. The certificate shall also list each classification
34 or grade in which the person was previously employed. The
35 person's name shall be carried for a period of not less than

1 three years after the suspension or removal on a preferred list
2 and appointments or promotions made during that period to the
3 person's former duties in the classification or grade shall
4 be made in the order of greater seniority from the preferred
5 lists.

6 Sec. 62. SENIORITY RIGHTS REESTABLISHED. The seniority
7 rights of any civil service employee extinguished pursuant to
8 section 400.12, subsection 4, on or after February 17, 2017,
9 are hereby reestablished, including accrual of seniority during
10 the period of extinguishment.

11 Sec. 63. EFFECTIVE DATE. This division of this Act, being
12 deemed of immediate importance, takes effect upon enactment.

13 Sec. 64. APPLICABILITY. This division of this Act applies
14 to employment actions taken on or after the effective date of
15 this division of this Act.

16 DIVISION V

17 HEALTH INSURANCE MATTERS

18 Sec. 65. REPEAL. Section 70A.41, Code 2024, is repealed.

19 Sec. 66. EFFECTIVE DATE. This division of this Act, being
20 deemed of immediate importance, takes effect upon enactment.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill relates to employment matters involving public
25 employees including collective bargaining, educator employment
26 matters, personnel records and settlement agreements, city
27 civil service requirements, and health insurance matters. The
28 bill generally strikes statutory changes made by 2017 Iowa
29 Acts, House File 291, and restores statutory language in effect
30 prior to the enactment of 2017 Iowa Acts, House File 291.

31 DIVISION I — PUBLIC EMPLOYEE COLLECTIVE BARGAINING.
32 This division makes a variety of changes to Code chapter
33 20, the public employment relations Act, as well as other
34 Code provisions relating to collective bargaining by public
35 employees.

1 ELIMINATION OF PUBLIC SAFETY AND TRANSIT EMPLOYEE

2 CATEGORIES. The division eliminates public safety employees
3 and transit employees as separate categories of employees for
4 the purposes of public employee collective bargaining, making
5 affected provisions of Code chapter 20 applicable to all public
6 employees governed by Code chapter 20.

7 SCOPE OF NEGOTIATIONS. The division makes changes to
8 subjects which are negotiated through collective bargaining
9 between public employers and public employees under Code
10 section 20.9.

11 The division provides that the scope of negotiations for
12 all public employees shall consist of wages, hours, vacations,
13 insurance, holidays, leaves of absence, shift differentials,
14 overtime compensation, supplemental pay, seniority, transfer
15 procedures, job classifications, health and safety matters,
16 evaluation procedures, procedures for staff reduction,
17 in-service training, dues checkoff, grievance procedures for
18 resolving any questions arising under the agreement, and
19 other matters mutually agreed upon. The division provides
20 that retirement systems shall be excluded from the scope of
21 negotiations.

22 The division strikes language providing that mandatory
23 subjects of negotiation under Code section 20.9 shall be
24 interpreted narrowly and restrictively. The division strikes
25 language limiting the term of a collective bargaining agreement
26 entered into pursuant to Code chapter 20 to a maximum of five
27 years.

28 ARBITRATION PROCEDURES. The division makes changes to the
29 procedures for arbitration of impasses in collective bargaining
30 between public employers and public employees under Code
31 section 20.22.

32 The division modifies the factors that an arbitrator is
33 required to consider in addition to any other relevant factors
34 in making a final determination on an impasse item. The
35 division requires an arbitrator to consider past collective

1 bargaining contracts between the parties including the
2 bargaining that led up to such contracts; comparison of wages,
3 hours, and conditions of employment of the involved public
4 employees with those of other public employees doing comparable
5 work, giving consideration to factors peculiar to the area and
6 the classifications involved; the interests and welfare of the
7 public, the ability of the public employer to finance economic
8 adjustments, and the effect of such adjustments on the normal
9 standard of services; and the power of the public employer
10 to levy taxes and appropriate funds for the conduct of its
11 operations.

12 The division strikes language permitting the parties to
13 agree to change the four-day deadline to serve final offers on
14 impasse items after a request for arbitration is received.

15 The division strikes language prohibiting the parties to an
16 arbitration from introducing, and the arbitrator from accepting
17 or considering, any direct or indirect evidence regarding any
18 subject excluded from negotiations pursuant to Code section
19 20.9.

20 The division strikes language providing for a maximum
21 increase in base wages in an arbitrator's award.

22 PUBLIC EMPLOYEE ELECTIONS. The division makes changes to
23 public employee elections conducted pursuant to Code section
24 20.15.

25 The division strikes language providing for retention and
26 recertification elections and requires the public employment
27 relations board (PERB) to cancel any such elections scheduled
28 or in process. The division requires the PERB to consider a
29 petition for certification of an employee organization as the
30 exclusive representative of a bargaining unit for which an
31 employee organization was not retained and recertified as the
32 exclusive representative of that bargaining unit regardless of
33 the amount of time that has elapsed since the retention and
34 recertification election, notwithstanding prior requirements
35 prohibiting such consideration for two years.

1 The division provides that the outcome of a certification
2 or decertification election is determined by a majority vote
3 of the members of the bargaining unit voting, rather than the
4 total membership of the bargaining unit. The division provides
5 for a runoff election if none of the choices on the ballot in a
6 certification election receives a majority vote of the members
7 of the bargaining unit voting.

8 The division lowers the required percentage of support
9 from employees in a bargaining unit required for an employee
10 organization that did not submit a petition for certification
11 as the exclusive bargaining representative of a bargaining unit
12 to be listed on the ballot for a certification election from 30
13 percent to 10 percent.

14 The division strikes language prohibiting the PERB from
15 considering a petition for certification as the exclusive
16 bargaining representative of a bargaining unit unless a
17 period of two years has elapsed from the date of the last
18 certification election in which an employee organization
19 was not certified as the exclusive representative of that
20 bargaining unit or of the last decertification election in
21 which an employee organization was decertified as the exclusive
22 representative of that bargaining unit. The division prohibits
23 the PERB from considering a petition for certification as the
24 exclusive bargaining representative of a bargaining unit for
25 one year after the employee organization is not certified in a
26 certification election. The division makes additional changes
27 relating to the scheduling of decertification elections.

28 EMPLOYEE ORGANIZATION DUES. The division strikes a
29 prohibition on public entities authorizing or administering
30 a deduction from the salaries or wages of its employees for
31 membership dues to an employee organization. The division
32 provides procedures for administering such dues deductions.

33 PERB DUTIES. The division provides that the PERB may
34 interpret and apply, as well as administer, Code chapter 20.

35 The division strikes language permitting the PERB to

1 appoint a certified shorthand reporter to report state employee
2 grievance and discipline resolution proceedings, to contract
3 with a vendor to conduct elections, to establish fees to cover
4 the cost of elections, and to retain certain funds collected by
5 the PERB as repayment receipts.

6 STATEWIDE COLLECTIVE BARGAINING AGREEMENTS FOLLOWING A
7 GUBERNATORIAL ELECTION YEAR. The division strikes language
8 providing for modified collective bargaining procedures for a
9 proposed, statewide collective bargaining agreement to become
10 effective in the year following a general election in which the
11 governor and certain other elected officials are elected.

12 CONFIDENTIAL RECORDS. The division strikes language
13 providing that certain information relating to elections
14 conducted by the PERB is a confidential record under Code
15 chapter 22, the state open records law.

16 MISCELLANEOUS PROVISIONS RELATING TO PUBLIC EMPLOYEE
17 COLLECTIVE BARGAINING. The division strikes a definition of
18 "supplemental pay".

19 The division strikes language providing that a public
20 employer has the right to evaluate public employees in
21 positions within the public agency. The division strikes
22 language providing that a public employee has the right under
23 Code section 20.8 to exercise any right or seek any remedy
24 provided by law, including but not limited to Code sections
25 70A.28 and 70A.29, Code chapter 8A, subchapter IV, and Code
26 chapters 216 and 400.

27 The division transfers language in Code section 20.10
28 prohibiting a public employee or any employee organization
29 from negotiating or attempting to negotiate directly with a
30 member of the governing board of a public employer if the
31 public employer has appointed or authorized a bargaining
32 representative for the purpose of bargaining with the public
33 employees or their representative to Code section 20.17.

34 The division decreases the amount of time before an employee
35 organization decertified as the exclusive representative of a

1 bargaining unit for violating an injunction against an unlawful
2 strike can be certified again from 24 months to 12 months.

3 The division strikes language prohibiting voluntary
4 contributions by individuals to political parties or candidates
5 through payroll deductions.

6 The division strikes a requirement that a copy of a final
7 collective bargaining agreement be filed with the PERB by
8 the public employer within 10 days of the agreement being
9 entered into. The division strikes a requirement that the
10 PERB maintain an internet site that allows searchable access
11 to a database of collective bargaining agreements and other
12 collective bargaining information.

13 The division changes the period before retirement for a
14 prohibited voluntary reduction to a nonsupervisory rank or
15 grade by a supervisor and related ineligibility for benefits
16 from 36 months to 6 months.

17 The division strikes language providing that a mediator
18 shall not be required to testify in any arbitration proceeding
19 regarding any matters occurring in the course of a mediation.

20 The division requires a council, board of waterworks, or
21 other board or commission which establishes a pension and
22 annuity retirement system pursuant to Code chapter 412 to
23 negotiate in good faith with a certified employee organization
24 which is the collective bargaining representative of the
25 employees, with respect to the amount or rate of the assessment
26 on the wages and salaries of employees and the method or
27 methods for payment of the assessment by the employees.

28 The division makes additional conforming changes.

29 **TRANSITION PROVISIONS — DEADLINE.** The division requires
30 parties, mediators, and arbitrators engaging in any collective
31 bargaining procedures provided for in Code chapter 20, Code
32 2024, who have not, before the effective date of the division,
33 completed such procedures, to immediately terminate any such
34 procedures in process as of the effective date of the division.
35 The division provides that a collective bargaining agreement

1 negotiated pursuant to such procedures in process shall not
2 become effective. The division prohibits parties, mediators,
3 and arbitrators from engaging in further collective bargaining
4 procedures except as provided in the division. The division
5 requires such parties to commence collective bargaining in
6 accordance with Code section 20.17, as amended by the division.
7 The division requires such parties to complete such bargaining
8 not later than June 30, 2024, unless the parties mutually agree
9 to a different deadline.

10 The division requires the PERB to adopt emergency rules to
11 implement these requirements. The division also requires the
12 department of administrative services to adopt emergency rules
13 to implement the provisions of the division relating to dues
14 deductions.

15 EFFECTIVE DATE AND APPLICABILITY PROVISIONS. The division
16 takes effect upon enactment.

17 With the exception of the section of the division amending
18 Code section 20.6, subsection 1, the division does not apply
19 to collective bargaining agreements which have been ratified
20 in a ratification election, for which an arbitrator has made
21 a final determination, or which have become effective, when
22 such events occurred before the effective date of the division.
23 The division applies to all collective bargaining procedures
24 provided for in Code chapter 20 occurring on and after the
25 effective date of the division and collective bargaining
26 agreements for which a ratification election is held, for which
27 an arbitrator makes a final determination, or which become
28 effective on or after the effective date of the division.

29 DIVISION II — EDUCATOR EMPLOYMENT MATTERS. This division
30 makes a variety of changes relating to educator employment
31 matters.

32 TERMINATION OF TEACHER EMPLOYMENT CONTRACTS. The division
33 makes various changes relating to the termination of teacher
34 employment contracts.

35 The division shortens various procedural deadlines

1 regarding private hearings held after a superintendent
2 recommends termination of a teacher's employment contract.
3 The division makes participation in such a private hearing
4 by the superintendent, the superintendent's designated
5 representatives, the teacher's immediate supervisor, the
6 teacher, and the teacher's representatives mandatory on the
7 part of those individuals instead of discretionary. The
8 division requires that the school board employ a certified
9 shorthand reporter to keep a record of a private hearing.
10 The division requires the school board to issue subpoenas
11 for witnesses and evidence on behalf of the board and the
12 teacher. The division provides for a judicial remedy if a
13 witness appears and refuses to testify or to produce required
14 books or papers at a private hearing. The division authorizes
15 the superintendent and the teacher to file written briefs and
16 arguments with the board at the conclusion of the private
17 hearing. The division provides deadlines for determining
18 the status of the teacher's contract if the teacher does not
19 request a private hearing. The division requires that the
20 decision of the board include findings of fact and conclusions
21 of law. The division strikes language authorizing a school
22 board which votes to continue a teacher's contract to issue
23 the teacher a one-year, nonrenewable contract. The division
24 permits a teacher to appeal the board's determination to an
25 adjudicator and provides procedures for such appeals.

26 TEACHER PROBATIONARY PERIODS. The division makes various
27 changes relating to probationary employment of teachers.

28 The division decreases from two years to one year the
29 length of a teacher's probationary employment period in a
30 school district if the teacher has successfully completed a
31 probationary period of employment for another school district
32 located in Iowa.

33 The division provides that requirements for notices of
34 termination, private hearings, and appeals applicable to
35 nonprobationary teachers whose employment contracts are

1 terminated are applicable to probationary teachers whose
2 employment contracts are terminated. The division strikes
3 alternative procedures for the termination of employment
4 contracts of such probationary teachers, including notification
5 procedures and the opportunity to request a private conference
6 with the school board.

7 EXTRACURRICULAR INTERSCHOLASTIC ATHLETIC COACH CONTRACTS.
8 The division makes various changes relating to extracurricular
9 interscholastic athletic coach employment contracts.

10 The division provides that wages for such coaches shall be
11 paid pursuant to established or negotiated supplemental pay
12 schedules. The division provides that employment contracts
13 of such coaches shall be continued automatically in force and
14 effect for equivalent periods and that the termination of such
15 contracts follows procedures similar to those used for teacher
16 contracts. The division strikes language providing that
17 employment contracts of such coaches may be terminated prior to
18 their expiration for any lawful reason following an informal,
19 private hearing before the school board. The division strikes
20 language providing that the decision of the school board to
21 terminate such a contract is final.

22 SCHOOL ADMINISTRATOR EMPLOYMENT MATTERS. The division makes
23 various changes relating to school administrator employment
24 matters.

25 The division provides that the rate of compensation in an
26 administrator's employment contract must be on a weekly or
27 monthly basis.

28 The division strikes language authorizing a school board to
29 issue a temporary employment contract to an administrator for
30 a period of up to nine months.

31 The division strikes language authorizing a school board to
32 issue a one-year, nonrenewable employment contract and instead
33 authorizes a school board considering the termination of an
34 administrator's contract and the administrator to mutually
35 agree to enter into such a contract.

1 The division decreases the probationary employment period
2 for administrators from three years to two years and authorizes
3 a school board to waive the probationary period for an
4 administrator who previously served a probationary period in
5 another school district.

6 The division strikes language providing that a hearing
7 before an administrative law judge requested by an
8 administrator whose employment contract a school board is
9 considering terminating shall be a private hearing. The
10 division reduces certain procedural deadlines relating to such
11 hearings. The division strikes language providing that any
12 witnesses for the parties at the hearing shall be sequestered.
13 The division requires that the decision of the board include
14 findings of fact and conclusions of law. The division strikes
15 language authorizing a school board which votes to continue an
16 administrator's contract to issue the administrator a one-year,
17 nonrenewable contract.

18 INTENSIVE ASSISTANCE PROGRAMS. The division makes various
19 changes relating to intensive assistance programs.

20 The division strikes language providing that a teacher who
21 has previously participated in an intensive assistance program
22 relating to particular Iowa teaching standards or criteria
23 shall not be entitled to participate in another intensive
24 assistance program relating to the same standards or criteria.
25 The division strikes language providing that following a
26 teacher's participation in an intensive assistance program, the
27 teacher shall be reevaluated to determine whether the teacher
28 successfully completed the intensive assistance program and
29 is meeting district expectations under the applicable Iowa
30 teaching standards or criteria. The division strikes language
31 providing that if the teacher did not successfully complete
32 the intensive assistance program or continues not to meet the
33 applicable Iowa teaching standards or criteria, the board may
34 initiate procedures to terminate the teacher's employment
35 contract immediately or at the end of the school year or may

1 continue the teacher's contract for a period not to exceed one
2 year on a nonrenewable basis and without the right to a private
3 hearing.

4 MISCELLANEOUS PROVISIONS RELATING TO EDUCATOR EMPLOYMENT
5 MATTERS. The division strikes language authorizing a school
6 board to issue a temporary employment contract to a teacher for
7 a period of up to six months.

8 The division strikes language providing that just cause
9 for which a teacher may be discharged at any time during the
10 contract year under Code section 279.27 includes but is not
11 limited to a violation of the code of professional conduct
12 and ethics of the board of educational examiners if the board
13 has taken disciplinary action against a teacher during the
14 six months following issuance by the board of a final written
15 decision and finding of fact after a disciplinary proceeding.

16 The division either authorizes or requires a school board
17 and its certified bargaining representative to negotiate
18 various matters pursuant to Code chapter 20.

19 The division makes additional conforming changes.

20 EFFECTIVE DATE AND APPLICABILITY PROVISIONS. The division
21 takes effect upon enactment.

22 The division applies to employment contracts of school
23 employees entered into pursuant to Code chapter 279 on and
24 after the effective date of the division. The division does
25 not apply to collective bargaining agreements pursuant to Code
26 chapter 20 which have been ratified in a ratification election,
27 for which an arbitrator has made a final determination, or
28 which have become effective, when such events occurred before
29 the effective date of the division. The division applies to
30 all collective bargaining procedures provided for in Code
31 chapter 20 occurring on and after the effective date of the
32 division and collective bargaining agreements pursuant to Code
33 chapter 20 for which a ratification election is held, for which
34 an arbitrator makes a final determination, or which become
35 effective on or after the effective date of the division.

1 DIVISION III — PERSONNEL RECORDS AND SETTLEMENT AGREEMENTS.

2 This division makes changes relating to public employee
3 personnel records and settlement agreements.

4 PERSONNEL RECORDS. The division strikes language providing
5 that certain information relating to the discipline,
6 resignation, discharge, or demotion of a public employee is a
7 public record and requiring notice to affected employees.

8 PERSONNEL SETTLEMENT AGREEMENTS. The division also strikes
9 language prohibiting a personnel settlement agreement between
10 the state and a state executive branch employee that contains
11 confidentiality or nondisclosure provisions that attempt to
12 prevent the disclosure of the agreement.

13 EFFECTIVE DATE AND APPLICABILITY PROVISIONS. The division
14 takes effect upon enactment.

15 The division applies to requests for records submitted on or
16 after the effective date of the division.

17 DIVISION IV — CITY CIVIL SERVICE REQUIREMENTS. This
18 division makes a variety of changes relating to city civil
19 service requirements under Code chapter 400.

20 SENIORITY RIGHTS. The division strikes language permitting
21 a city council to extinguish statutory seniority rights of
22 all city civil service employees who are not employed or
23 appointed as a fire fighter or police officer, fire chief or
24 police chief, or assistant fire chief or assistant police
25 chief, unless otherwise provided in a collective bargaining
26 agreement. The division reestablishes any such rights so
27 extinguished, including accrual of seniority during the period
28 of extinguishment.

29 ADVERSE EMPLOYMENT ACTIONS — GROUNDS AND PROCEDURES. The
30 division provides that adverse employment action may be taken
31 against a city civil service employee for neglect of duty,
32 disobedience, misconduct, or failure to properly perform the
33 person's duties. The division strikes language permitting
34 such action to be taken due to any act or failure to act by
35 the employee that is in contravention of law, city policies,

1 or standard operating procedures, or that in the judgment
2 of the person having the appointing power as provided in
3 this Code chapter, or the chief of police or chief of the
4 fire department, is sufficient to show that the employee is
5 unsuitable or unfit for employment.

6 The division strikes language providing that the scope of
7 review for an appeal to district court from a civil service
8 commission shall be limited to de novo appellate review without
9 a trial or additional evidence, instead providing that the
10 appeal shall be a trial de novo as an equitable action.

11 DIMINUTION OF EMPLOYEES. The division provides that a
12 diminution of city employees by a city council can only be
13 implemented when the public interest requires. The division
14 permits a diminution to be carried out either by abolishing
15 an office and removing the employee from the employee's
16 classification or grade thereunder, or reducing the number of
17 employees in any classification or grade by suspending the
18 necessary number. The division provides for such removal to be
19 carried out based on seniority and requires that employees so
20 removed be placed on a preferred list for at least three years
21 for purposes of appointments or promotions made during that
22 period to the person's former duties.

23 MISCELLANEOUS PROVISIONS. The division makes changes in
24 terminology relating to adverse employment actions for city
25 civil service employees.

26 The division makes additional conforming changes.

27 EFFECTIVE DATE AND APPLICABILITY PROVISIONS. The division
28 takes effect upon enactment.

29 The division applies to employment actions taken on or after
30 the effective date of the division.

31 DIVISION V — HEALTH INSURANCE MATTERS. This division
32 strikes a requirement that a public employer shall offer health
33 insurance to all permanent, full-time public employees employed
34 by the public employer.

35 EFFECTIVE DATE. The division takes effect upon enactment.