

# House File 2645 - Reprinted

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 718)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act concerning public employee collective bargaining and  
2 teacher discipline.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 HF 2645  
5 ec/jg/25

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1 1 DIVISION I  
1 2 PUBLIC EMPLOYEE COLLECTIVE BARGAINING  
1 3 Section 1. Section 20.1, subsection 7, Code 2007, is  
1 4 amended to read as follows:  
1 5 ~~7. Assisting the attorney general in the preparation of~~  
1 6 ~~Preparing legal briefs and the presentation of presenting oral~~  
1 7 ~~arguments in the district court, the court of appeals, and the~~  
1 8 ~~supreme court in cases affecting the board.~~  
1 9 Sec. 2. Section 20.3, subsection 4, Code 2007, is amended  
1 10 to read as follows:  
1 11 4. "Employee organization" means an organization of any  
1 12 kind in which public employees participate and which exists  
1 13 for the primary purpose of representing public employees in  
1 14 their employment relations.  
1 15 Sec. 3. Section 20.5, subsection 5, Code Supplement 2007,  
1 16 is amended to read as follows:  
1 17 5. Members of the board and other employees of the board  
1 18 shall be allowed their actual and necessary expenses incurred  
1 19 in the performance of their duties. All expenses and salaries  
1 20 shall be paid from appropriations for such purposes and the  
1 21 board shall be subject to the budget requirements of chapter  
1 22 8.  
1 23 Sec. 4. Section 20.6, subsection 1, Code 2007, is amended  
1 24 to read as follows:  
1 25 1. ~~Administer Interpret, apply, and administer~~ the  
1 26 provisions of this chapter.  
1 27 Sec. 5. Section 20.6, subsection 3, Code 2007, is amended  
1 28 to read as follows:  
1 29 3. Establish minimum qualifications for arbitrators, ~~fact=~~  
1 30 ~~finders, and mediators, establish procedures for appointing,~~  
1 31 ~~maintaining, and removing from a list persons representative~~  
1 32 ~~of the public to be available to serve as arbitrators, fact=~~  
1 33 ~~finders, and mediators, and establish compensation rates for~~  
1 34 ~~arbitrators, fact=finders, and mediators.~~  
1 35 Sec. 6. Section 20.8, Code 2007, is amended by adding the  
2 1 following new unnumbered paragraph:  
2 2 NEW UNNUMBERED PARAGRAPH. Section 20.9 shall not be  
2 3 construed to abrogate the rights of public employees as  
2 4 provided in this section and notwithstanding any other  
2 5 provision of law to the contrary, nothing shall be construed  
2 6 to alter this section which shall remain in full force and  
2 7 effect.  
2 8 Sec. 7. Section 20.9, Code 2007, is amended to read as  
2 9 follows:  
2 10 20.9 SCOPE OF NEGOTIATIONS.  
2 11 1. The public employer and the employee organization shall  
2 12 meet at reasonable times, including meetings reasonably in  
2 13 advance of the public employer's budget-making process, to  
2 14 negotiate in good faith with respect to but not limited to the  
2 15 following:  
2 16 a. ~~wages, Wages.~~  
2 17 b. ~~hours, Hours, including the establishment of work~~  
2 18 ~~shifts and schedules and procedures and criteria for assigning~~

2 19 work shifts and schedules.  
2 20 ~~c. vacations,~~ Vacations.  
2 21 ~~d. insurance,~~ Insurance, including the determination of  
2 22 the health insurance carrier.  
2 23 ~~e. holidays,~~ Holidays.  
2 24 ~~f. leaves~~ Leaves of absence, including cash payments for  
2 25 accumulated leave.  
2 26 ~~g. shift~~ Shift differentials,  
2 27 ~~h. overtime~~ Overtime compensation,  
2 28 ~~i. supplemental~~ Supplemental pay, including payments and  
2 29 benefits which are other than wages and are not paid as  
2 30 compensation for or conditioned upon the employees'  
2 31 performance of services in addition to their regular services  
2 32 to the public employer.  
2 33 ~~j. seniority,~~ Seniority.  
2 34 ~~k. transfer~~ Transfer procedures,  
2 35 ~~l. job~~ Job classifications,  
3 1 ~~m. health~~ Health and safety matters,  
3 2 ~~n. evaluation~~ Evaluation procedures, including the  
3 3 frequency of evaluations, the method of evaluation, evaluation  
3 4 forms and other evaluation instruments, evaluation criteria,  
3 5 the purposes for and use of evaluations, and remedial and  
3 6 employee performances improvement plans and procedures.  
3 7 ~~o. procedures~~ Procedures for staff reduction,  
3 8 ~~p. in-service~~ In-service training and other matters  
3 9 mutually agreed upon.  
3 10 ~~q. Preparation~~ time.  
3 11 ~~r. Class~~ size.  
3 12 ~~s. Discipline~~ and discharge, including grounds for  
3 13 discharge and imposition of other discipline, levels and types  
3 14 of disciplinary measures, and procedures for resolving  
3 15 disputes.  
3 16 ~~t. Work~~ uniforms and equipment and other required work  
3 17 clothing and equipment, including allowances for uniforms and  
3 18 equipment and other required work clothing and equipment.  
3 19 ~~u. Staffing~~ levels.  
3 20 ~~v. Retirement~~ systems not excluded from negotiations  
3 21 pursuant to subsection 4.  
3 22 ~~w. Other terms~~ and conditions of employment except as  
3 23 provided in subsection 4.  
3 24 2. Negotiations shall also include terms authorizing dues  
3 25 checkoff for members of the employee organization and  
3 26 grievance procedures for resolving any questions arising under  
3 27 the agreement, which shall be embodied in a written agreement  
3 28 and signed by the parties. If an agreement provides for dues  
3 29 checkoff, a member's dues may be checked off only upon the  
3 30 member's written request and the member may terminate the dues  
3 31 checkoff at any time by giving thirty days' written notice.  
3 32 Such obligation to negotiate in good faith does not compel  
3 33 either party to agree to a proposal or make a concession.  
3 34 3. Nothing in this section shall diminish the authority  
3 35 and power of the department of administrative services, board  
4 1 of regents' merit system, Iowa public broadcasting board's  
4 2 merit system, or any civil service commission established by  
4 3 constitutional provision, statute, charter or special act to  
4 4 recruit employees, prepare, conduct and grade examinations,  
4 5 rate candidates in order of their relative scores for  
4 6 certification for appointment or promotion or for other  
4 7 matters of classification, reclassification or appeal rights  
4 8 in the classified service of the public employer served.  
4 9 ~~4. All retirement systems~~ The following shall be excluded  
4 10 from the scope of negotiations:-  
4 11 a. All retirement systems established by statute except  
4 12 for pension and annuity retirement systems established under  
4 13 chapter 412 and except for supplemental and additional  
4 14 retirement benefits including severance payments, cash  
4 15 payments based on accumulated or unused leave time, and  
4 16 insurance for retired employees.  
4 17 b. Discharge for teachers who are employed pursuant to  
4 18 chapter 279. For purposes of this paragraph, discharge does  
4 19 not include procedures and criteria for staff reduction.  
4 20 Sec. 8. Section 20.10, subsection 1, Code 2007, is amended  
4 21 to read as follows:  
4 22 1. It shall be a prohibited practice for any public  
4 23 employer, public employee or employee organization to  
4 24 ~~willfully~~ refuse to negotiate in good faith with respect to  
4 25 the scope of negotiations as defined in section 20.9.  
4 26 Sec. 9. Section 20.10, subsection 2, unnumbered paragraph  
4 27 1, Code 2007, is amended to read as follows:  
4 28 It shall be a prohibited practice for a public employer or  
4 29 the employer's designated representative willfully to:

4 30 Sec. 10. Section 20.10, subsection 2, paragraph f, Code  
4 31 2007, is amended to read as follows:

4 32 f. Deny the rights accompanying certification ~~or exclusive~~  
4 33 ~~recognition~~ granted in this chapter.

4 34 Sec. 11. Section 20.10, subsection 3, unnumbered paragraph  
4 35 1, Code 2007, is amended to read as follows:

5 1 It shall be a prohibited practice for public employees or  
5 2 an employee organization or for any person, union or  
5 3 organization or their agents ~~willfully~~ to:

5 4 Sec. 12. Section 20.10, subsection 3, paragraph b, Code  
5 5 2007, is amended to read as follows:

5 6 b. Interfere, restrain, or coerce a public employer with  
5 7 respect to rights granted in this chapter or with respect to  
5 8 selecting a representative for the purposes of negotiating  
5 9 collectively ~~on or~~ the adjustment of grievances.

5 10 Sec. 13. Section 20.10, subsection 3, paragraph f, Code  
5 11 2007, is amended to read as follows:

5 12 f. Violate the provisions of sections 732.1 to 732.3,  
5 13 which are hereby made applicable to public employers, public  
5 14 employees, and ~~public~~ employee organizations.

5 15 Sec. 14. Section 20.10, subsection 4, Code 2007, is  
5 16 amended to read as follows:

5 17 4. The expressing of any views, argument or opinion, or  
5 18 the dissemination thereof, whether orally or in written,  
5 19 printed, graphic, or visual form, shall not constitute or be  
5 20 evidence of any ~~unfair labor prohibited~~ practice under any of  
5 21 the provisions of this chapter, if such expression contains no  
5 22 threat of reprisal or force or promise of benefit.

5 23 Sec. 15. Section 20.11, subsections 1, 2, and 3, Code  
5 24 2007, are amended to read as follows:

5 25 1. Proceedings against a party alleging a violation of  
5 26 section 20.10- shall be commenced by filing a complaint with  
5 27 the board within ninety days of the alleged violation, causing  
5 28 a copy of the complaint to be served upon the accused party ~~in~~  
5 29 ~~the manner of an original notice as provided in this chapter.~~

5 30 The accused party shall have ten days within which to file a  
5 31 written answer to the complaint. However, the board may  
5 32 conduct a preliminary investigation of the alleged violation,  
5 33 and if the board determines that the complaint has no basis in  
5 34 fact, the board may dismiss the complaint. The board shall  
5 35 promptly thereafter set a time and place for hearing in the  
6 1 county where the alleged violation occurred, provided,  
6 2 however, that the presiding officer may conduct the hearing  
6 3 through the use of technology from a remote location if the  
6 4 parties so agree or if witness demeanor will not be a  
6 5 substantial factor in resolving any disputed factual issues.

6 6 The parties shall be permitted to be represented by counsel,  
6 7 summon witnesses, and request the board to subpoena witnesses  
6 8 on the requester's behalf. Compliance with the technical  
6 9 rules of pleading and evidence shall not be required.

6 10 2. The board may designate one of its members, an  
6 11 administrative law judge, or any other qualified person  
6 12 employed by the board to conduct serve as the presiding  
6 13 officer at the hearing. The ~~administrative law judge~~  
6 14 presiding officer has the powers as may be exercised by the  
6 15 board for conducting the hearing and shall follow the  
6 16 procedures adopted by the board for conducting the hearing.  
6 17 The proposed decision of the ~~administrative law judge~~  
6 18 presiding officer may be appealed to the board ~~and the board~~  
6 19 ~~may hear the case de novo or upon the record as submitted~~  
6 20 ~~before the administrative law judge, utilizing procedures~~  
6 21 ~~governing appeals to the district court in this section so far~~  
6 22 ~~as applicable, or reviewed on motion of the board, in~~  
6 23 ~~accordance with the provisions of chapter 17A.~~

6 24 3. The board shall appoint a certified shorthand reporter  
6 25 to report the proceedings and the board shall fix the  
6 26 reasonable amount of compensation for such service, and for  
6 27 any transcript requested by the board, which ~~amount~~ amounts  
6 28 shall be taxed as other costs.

6 29 Sec. 16. Section 20.13, subsections 2 and 3, Code 2007,  
6 30 are amended to read as follows:

6 31 2. Within thirty days of receipt of a petition ~~or notice~~  
6 32 ~~to all interested parties if on its own initiative,~~ the board  
6 33 shall conduct a public hearing, receive written or oral  
6 34 testimony, and promptly thereafter file an order defining the  
6 35 appropriate bargaining unit. In defining the unit, the board  
7 1 shall take into consideration, along with other relevant  
7 2 factors, the principles of efficient administration of  
7 3 government, the existence of a community of interest among  
7 4 public employees, the history and extent of public employee  
7 5 organization, geographical location, and the recommendations

7 6 of the parties involved.

7 7 3. Appeals from such order shall be governed by ~~appeal~~  
7 8 ~~provisions provided in section 20.11 the provisions of chapter~~  
7 9 ~~17A.~~

7 10 Sec. 17. Section 20.14, subsection 2, paragraph a, Code  
7 11 2007, is amended to read as follows:

7 12 a. The employee organization has submitted a request to a  
7 13 public employer to bargain collectively ~~with~~ on behalf of a  
7 14 designated group of public employees.

7 15 Sec. 18. Section 20.14, subsection 6, Code 2007, is  
7 16 amended by striking the subsection.

7 17 Sec. 19. Section 20.15, subsections 1, 2, and 6, Code  
7 18 2007, are amended to read as follows:

7 19 1. Upon the filing of a petition for certification of an  
7 20 employee organization, the board shall submit a question to  
7 21 the public employees at an election in ~~an appropriate the~~  
7 22 bargaining unit found appropriate by the board. The question  
7 23 on the ballot shall permit the public employees to vote for no  
7 24 bargaining representation or for any employee organization  
7 25 which has petitioned for certification or which has presented  
7 26 proof satisfactory to the board of support of ten percent or  
7 27 more of the public employees in the appropriate unit.

7 28 2. If a majority of the votes cast on the question is for  
7 29 no bargaining representation, the public employees in the  
7 30 bargaining unit found appropriate by the board shall not be  
7 31 represented by an employee organization. If a majority of the  
7 32 votes cast on the question is for a listed employee  
7 33 organization, then ~~the that~~ employee organization shall  
7 34 represent the public employees in ~~an appropriate the~~  
7 35 bargaining unit found appropriate by the board.

8 1 6. A petition for certification as an exclusive bargaining  
8 2 representative, or a petition for decertification of a  
8 3 certified bargaining representative, shall not be considered  
8 4 by the board for a period of one year from the date of the  
8 5 certification or noncertification of an employee organization  
8 6 as an exclusive bargaining representative or. The board shall  
8 7 also not consider a petition for certification as an exclusive  
8 8 bargaining representative or a petition for decertification of  
8 9 an exclusive bargaining representative during the duration of  
8 10 a collective bargaining agreement which, for purposes of this  
8 11 section, shall be deemed not to exceed two years. A

8 12 collective bargaining agreement with the state, its boards,  
8 13 commissions, departments, and agencies shall be for two years  
8 14 and the provisions of a collective bargaining agreement ~~except~~  
8 15 ~~agreements agreed to or tentatively agreed to prior to July 1,~~  
8 16 ~~1977, or arbitrators' arbitrator's~~ award affecting state  
8 17 employees shall not provide for renegotiations which would  
8 18 require the refinancing of salary and fringe benefits for the  
8 19 second year of the term of the agreement, except as provided  
8 20 in section 20.17, subsection 6, and the effective date of any  
8 21 such agreement shall be July 1 of odd-numbered years, provided  
8 22 that if an exclusive bargaining representative is certified on  
8 23 a date which will prevent the negotiation of a collective  
8 24 bargaining agreement prior to July 1 of odd-numbered years for  
8 25 a period of two years, the certified collective bargaining  
8 26 representative may negotiate a one-year contract with ~~a~~ the  
8 27 public employer which shall be effective from July 1 of the  
8 28 even-numbered year to July 1 of the succeeding odd-numbered  
8 29 year when new contracts shall become effective. However, if a  
8 30 petition for decertification is filed during the duration of a  
8 31 collective bargaining agreement, the board shall award an  
8 32 election under this section not more than one hundred eighty  
8 33 days nor less than one hundred fifty days prior to the  
8 34 expiration of the collective bargaining agreement. If an  
8 35 employee organization is decertified, the board may receive  
9 1 petitions under section 20.14, provided that no such petition  
9 2 and no election conducted pursuant to such petition within one  
9 3 year from decertification shall include as a party the  
9 4 decertified employee organization.

9 5 Sec. 20. Section 20.17, subsection 3, Code 2007, is  
9 6 amended to read as follows:

9 7 3. Negotiating sessions, strategy meetings of public  
9 8 employers ~~or employee organizations,~~ mediation, and the  
9 9 deliberative process of arbitrators shall be exempt from the  
9 10 provisions of chapter 21. However, the employee organization  
9 11 shall present its initial bargaining position to the public  
9 12 employer at the first bargaining session. The public employer  
9 13 shall present its initial bargaining position to the employee  
9 14 organization at the second bargaining session, which shall be  
9 15 held no later than two weeks following the first bargaining  
9 16 session. Both sessions shall be open to the public and



9 17 subject to the provisions of chapter 21. Parties who by  
9 18 agreement are utilizing a cooperative alternative bargaining  
9 19 process may exchange their respective initial interest  
9 20 statements in lieu of initial bargaining positions at these  
9 21 open sessions. Hearings conducted by arbitrators shall be  
9 22 open to the public.  
9 23 Sec. 21. Section 20.17, subsection 6, Code 2007, is  
9 24 amended to read as follows:  
9 25 6. ~~No A~~ collective bargaining agreement or ~~arbitrators'~~  
9 26 ~~decision~~ arbitrator's award shall not be valid or enforceable  
9 27 if its implementation would be inconsistent with any statutory  
9 28 limitation on the public employer's funds, spending or budget,  
9 29 or would substantially impair or limit the performance of any  
9 30 statutory duty by the public employer. A collective  
9 31 bargaining agreement or ~~arbitrators'~~ arbitrator's award may  
9 32 provide for benefits conditional upon specified funds to be  
9 33 obtained by the public employer, but the agreement shall  
9 34 provide either for automatic reduction of such conditional  
9 35 benefits or for additional bargaining if the funds are not  
10 1 obtained or if a lesser amount is obtained.  
10 2 Sec. 22. Section 20.17, subsection 10, Code 2007, is  
10 3 amended to read as follows:  
10 4 10. The negotiation of a proposed collective bargaining  
10 5 agreement by representatives of a state public employer and a  
10 6 state employee organization shall be complete not later than  
10 7 March 15 of the year when the agreement is to become  
10 8 effective. The board shall provide, by rule, a date on which  
10 9 any impasse item must be submitted to binding arbitration and  
10 10 for such other procedures as deemed necessary to provide for  
10 11 the completion of negotiations of proposed state collective  
10 12 bargaining agreements not later than March 15. The date  
10 13 selected for the mandatory submission of impasse items to  
10 14 binding arbitration shall be sufficiently in advance of March  
10 15 15 to ~~insure~~ ensure that the ~~arbitrators' decision~~  
10 16 arbitrator's award can be reasonably made before March 15.  
10 17 Sec. 23. Section 20.17, subsection 11, Code 2007, is  
10 18 amended to read as follows:  
10 19 11. a. In the absence of an impasse agreement negotiated  
10 20 pursuant to section 20.19 which provides for a different  
10 21 completion date, public employees represented by a certified  
10 22 employee organization who are teachers licensed under chapter  
10 23 272 and who are employed by a public employer which is a  
10 24 school district or area education agency shall complete the  
10 25 negotiation of a proposed collective bargaining agreement not  
10 26 later than May 31 of the year when the agreement is to become  
10 27 effective. The board shall provide, by rule, a date on which  
10 28 impasse items in such cases must be submitted to binding  
10 29 arbitration and for such other procedures as deemed necessary  
10 30 to provide for the completion of negotiations of proposed  
10 31 collective bargaining agreements not later than May 31. The  
10 32 date selected for the mandatory submission of impasse items to  
10 33 binding arbitration in such cases shall be sufficiently in  
10 34 advance of May 31 to ensure that the ~~arbitrators' decision~~  
10 35 arbitrator's award can be reasonably made ~~before~~ by May 31.  
11 1 b. ~~If the public employer is a community college, the~~  
11 2 ~~following apply:~~  
11 3 (1) ~~The negotiation of a proposed collective bargaining~~  
11 4 ~~agreement shall be complete not later than May 31 of the year~~  
11 5 ~~when the agreement is to become effective, absent the~~  
11 6 ~~existence~~ In the absence of an impasse agreement negotiated  
11 7 pursuant to section 20.19 which provides for a different  
11 8 completion date, public employees represented by a certified  
11 9 employee organization who are employed by a public employer  
11 10 which is a community college shall complete the negotiation of  
11 11 a proposed collective bargaining agreement not later than May  
11 12 31 of the year when the agreement is to become effective. The  
11 13 board shall ~~adopt rules providing for~~ provide, by rule, a date  
11 14 on which impasse items in such cases must be submitted to  
11 15 binding arbitration and for such other procedures as deemed  
11 16 necessary to provide for the completion of negotiations of  
11 17 proposed collective bargaining agreements not later than May  
11 18 31. The date selected for the mandatory submission of impasse  
11 19 items to binding arbitration in such cases shall be  
11 20 sufficiently in advance of May 31 to ensure that the  
11 21 arbitrators' decision arbitrator's award can be reasonably  
11 22 made by May 31.  
11 23 (2) ~~c.~~ Notwithstanding the provisions of ~~subparagraph (1)~~  
11 24 paragraphs "a" and "b", the May 31 deadline may be waived by  
11 25 mutual agreement of the parties to the collective bargaining  
11 26 agreement negotiations.  
11 27 Sec. 24. Section 20.18, unnumbered paragraph 1, Code 2007,

11 28 is amended to read as follows:

11 29 An agreement with an employee organization which is the  
11 30 exclusive representative of public employees in an appropriate  
11 31 unit may provide procedures for the consideration of public  
11 32 employee ~~and employee organization~~ grievances ~~and of disputes~~  
11 33 over the interpretation and application of agreements.  
11 34 Negotiated procedures may provide for binding arbitration of  
11 35 public employee ~~and employee organization~~ grievances ~~and of~~  
12 1 ~~disputes~~ over the interpretation and application of existing  
12 2 agreements. An arbitrator's decision on a grievance may not  
12 3 change or amend the terms, conditions or applications of the  
12 4 collective bargaining agreement. Such procedures shall  
12 5 provide for the invoking of arbitration only with the approval  
12 6 of the employee organization in all instances, and in the case  
12 7 of an employee grievance, only with the additional approval of  
12 8 the public employee. The costs of arbitration shall be shared  
12 9 equally by the parties.

12 10 Sec. 25. Section 20.19, Code 2007, is amended to read as  
12 11 follows:

12 12 20.19 IMPASSE PROCEDURES == AGREEMENT OF PARTIES.

12 13 1. As the first step in the performance of their duty to  
12 14 bargain, the public employer and the employee organization  
12 15 shall endeavor to agree upon impasse procedures. Such  
12 16 agreement shall provide for implementation of these impasse  
12 17 procedures not later than one hundred twenty days prior to the  
12 18 certified budget submission date of the public employer.  
12 19 However, if public employees represented by the employee  
12 20 organization are teachers licensed under chapter 272, and the  
12 21 public employer is a school district or area education agency,  
12 22 the agreement shall provide for implementation of impasse  
12 23 procedures not later than one hundred twenty days prior to May  
12 24 31 of the year when the collective bargaining agreement is to  
12 25 become effective. If the public employer is a community  
12 26 college, the agreement shall provide for implementation of  
12 27 impasse procedures not later than one hundred twenty days  
12 28 prior to May 31 of the year when the collective bargaining  
12 29 agreement is to become effective. If the public employer is  
12 30 not subject to the budget certification requirements of  
12 31 section 24.17 and other applicable sections of the Code, the  
12 32 agreement shall provide for implementation of impasse  
12 33 procedures not later than one hundred twenty days prior to a  
12 34 date agreed upon by the public employer and the employee  
12 35 organization or, if no date is agreed upon, May 31 of the year  
13 1 when the collective bargaining agreement is to be effective.

13 2 If the parties fail to agree upon impasse procedures under the  
13 3 provisions of this section, the impasse procedures provided in  
13 4 sections 20.20 to 20.22 shall apply.

13 5 2. Parties who by agreement are utilizing a cooperative  
13 6 alternative bargaining process shall, at the outset of such  
13 7 process, agree upon a method and schedule for the completion  
13 8 of impasse procedures should they fail to reach a collective  
13 9 bargaining agreement through the use of such alternative  
13 10 bargaining process.

13 11 Sec. 26. Section 20.20, Code 2007, is amended to read as  
13 12 follows:

13 13 20.20 MEDIATION.

13 14 In the absence of an impasse agreement negotiated pursuant  
13 15 to section 20.19 or the failure of either party to utilize its  
13 16 procedures, one hundred twenty days prior to the certified  
13 17 budget submission date, or one hundred twenty days prior to  
13 18 May 31 of the year when the collective bargaining agreement is  
13 19 to become effective if public employees represented by the  
13 20 employee organization are teachers licensed under chapter 272  
13 21 and the public employer is a school district or area education  
13 22 agency, the board shall, upon the request of either party,  
13 23 appoint an impartial and disinterested person to act as  
13 24 mediator. If the public employer is a community college or is  
13 25 not subject to the budget certification requirements of

13 26 section 24.17 and other applicable sections of the Code, and  
13 27 in the absence of an impasse agreement negotiated pursuant to  
13 28 section 20.19 or the failure of either party to utilize its  
13 29 procedures, one hundred twenty days prior to May 31 of the  
13 30 year when the collective bargaining agreement is to become  
13 31 effective, the board, upon the request of either party, shall  
13 32 appoint an impartial and disinterested person to act as  
13 33 mediator. It shall be the function of the mediator to bring  
13 34 the parties together to effectuate a settlement of the  
13 35 dispute, but the mediator may not compel the parties to agree.

14 1 Sec. 27. Section 20.21, unnumbered paragraphs 1 and 2,  
14 2 Code 2007, are amended to read as follows:

14 3 If the impasse persists ten days after the mediator has

14 4 been appointed, the board shall appoint a fact-finder  
14 5 representative of the public, from a list of qualified persons  
14 6 maintained by the board. The fact-finder shall conduct a  
14 7 hearing, may administer oaths, and may ~~request the board to~~  
14 8 issue subpoenas to compel the attendance of witnesses and the  
14 9 production of records. The fact-finder may petition the  
14 10 district court at the seat of government or of the county in  
14 11 which the hearing is held to enforce the subpoena. The fact-  
14 12 finder shall make written findings of facts and  
14 13 recommendations for resolution of the dispute each impasse  
14 14 item and, not later than fifteen days from the day of  
14 15 appointment date of the hearing, shall serve such findings and  
14 16 recommendations on the public employer and the certified  
14 17 employee organization.  
14 18 The Upon receipt of the fact-finder's findings and  
14 19 recommendations, the public employer and the certified  
14 20 employee organization shall immediately accept the fact-  
14 21 finder's recommendation recommendations in their entirety or  
14 22 shall within five days submit the fact-finder's  
14 23 recommendations to the governing body of the public employer  
14 24 and members of the certified employee organization for such  
14 25 acceptance or rejection. If the dispute is not resolved by  
14 26 both parties' acceptance of the fact-finder's recommendations,  
14 27 the parties may continue to negotiate and resolve any disputed  
14 28 impasse items. If the dispute continues ten days after the  
14 29 report is submitted fact-finder's findings and recommendations  
14 30 are served, the report findings and recommendations shall be  
14 31 made available to the public by the board.  
14 32 Sec. 28. Section 20.22, subsections 1, 2, and 3, Code  
14 33 2007, are amended to read as follows:  
14 34 1. If an impasse persists after the fact-finder's findings  
14 35 of fact and recommendations are made available to the public  
15 1 by the fact-finder board, the parties may continue to  
15 2 negotiate or, the board shall have the power, upon request of  
15 3 either party, to arrange for arbitration, which shall be  
15 4 binding. The request for arbitration shall be in writing and  
15 5 a copy of the request shall be served upon the other party.  
15 6 2. Each party shall ~~submit to the board~~ serve its final  
15 7 offer on each of the impasse items upon the other party within  
15 8 four days of the board's receipt of the request a final offer  
15 9 on the impasse items with proof of service of a copy upon the  
15 10 other party for arbitration. Each party shall also submit a  
15 11 copy of a draft of the proposed collective bargaining  
15 12 agreement to the extent to which agreement has been reached  
15 13 and the name of its selected arbitrator. The parties may  
15 14 continue to negotiate all offers until an agreement is reached  
15 15 or a decision an award is rendered by the panel of arbitrators  
15 16 arbitrator.  
15 17 As an alternative procedure, the two parties may agree to  
15 18 submit the dispute to a single arbitrator. If the parties  
15 19 cannot agree on the arbitrator within four days, the selection  
15 20 shall be made pursuant to subsection 5. The full costs of  
15 21 arbitration under this provision section shall be shared  
15 22 equally by the parties to the dispute.  
15 23 3. The submission of the impasse items to the arbitrators  
15 24 arbitrator shall be limited to those issues that had been  
15 25 considered by the fact-finder and upon which the parties have  
15 26 not reached agreement. With respect to each such item, the  
15 27 arbitration board arbitrator's award shall be restricted to  
15 28 the final offers on each impasse item submitted by the parties  
15 29 to the arbitration board arbitrator or to the recommendation  
15 30 of the fact-finder on each impasse item.  
15 31 Sec. 29. Section 20.22, subsection 4, Code 2007, is  
15 32 amended by striking the subsection and inserting in lieu  
15 33 thereof the following:  
15 34 4. Upon the filing of the request for arbitration, a list  
15 35 of five arbitrators shall be served upon the parties by the  
16 1 board. Within five days of service of the list, the parties  
16 2 shall determine by lot which party shall remove the first name  
16 3 from the list and the parties shall then alternately remove  
16 4 names from the list until the name of one person remains, who  
16 5 shall become the arbitrator. The parties shall immediately  
16 6 notify the board of their selection and the board shall notify  
16 7 the arbitrator. After consultation with the parties, the  
16 8 arbitrator shall set a time and place for an arbitration  
16 9 hearing.  
16 10 Sec. 30. Section 20.22, subsections 5 and 6, Code 2007,  
16 11 are amended by striking the subsections.  
16 12 Sec. 31. Section 20.22, subsections 7 and 8, Code 2007,  
16 13 are amended to read as follows:  
16 14 7. The ~~panel of arbitrators~~ arbitrator shall at no time

16 15 engage in an effort to mediate or otherwise settle the dispute  
16 16 in any manner other than that prescribed in this section.  
16 17 8. ~~From the time of appointment the board notifies the~~  
16 18 ~~arbitrator of the selection of the arbitrator until such time~~  
16 19 ~~as the panel of arbitrators makes its final determination~~  
16 20 ~~arbitrator's selection on each impasse item is made, there~~  
16 21 ~~shall be no discussion concerning recommendations for~~  
16 22 ~~settlement of the dispute by the members of the panel of~~  
16 23 ~~arbitrators arbitrator with parties other than those who are~~  
16 24 ~~direct parties to the dispute. The panel of arbitrators may~~  
16 25 ~~conduct formal or informal hearings to discuss offers~~  
16 26 ~~submitted by both parties.~~

16 27 Sec. 32. Section 20.22, subsection 9, unnumbered paragraph  
16 28 1, Code 2007, is amended to read as follows:

16 29 The ~~panel of arbitrators arbitrator~~ shall consider, in  
16 30 addition to any other relevant factors, the following factors:

16 31 Sec. 33. Section 20.22, subsections 10, 11, 12, and 13,  
16 32 Code 2007, are amended to read as follows:

16 33 10. The ~~chairperson of the panel of arbitrators arbitrator~~  
16 34 ~~may hold hearings and administer oaths, examine witnesses and~~  
16 35 ~~documents, take testimony and receive evidence, and issue~~  
17 1 ~~subpoenas to compel the attendance of witnesses and the~~  
17 2 ~~production of records, and delegate such powers to other~~  
17 3 ~~members of the panel of arbitrators. The chairperson of the~~  
17 4 ~~panel of arbitrators arbitrator~~ may petition the district  
17 5 court at the seat of government or of the county in which ~~any~~  
17 6 ~~the~~ hearing is held to enforce the order of the ~~chairperson~~  
17 7 ~~arbitrator~~ compelling the attendance of witnesses and the  
17 8 production of records.

17 9 11. ~~A majority of the panel of arbitrators The arbitrator~~  
17 10 ~~shall select within fifteen days after its first meeting the~~  
17 11 ~~hearing the most reasonable offer, in its the arbitrator's~~  
17 12 ~~judgment, of the final offers on each impasse item submitted~~  
17 13 ~~by the parties, or the recommendations of the fact-finder on~~  
17 14 ~~each impasse item.~~

17 15 12. The selections by the ~~panel of arbitrators arbitrator~~  
17 16 and items agreed upon by the public employer and the employee  
17 17 organization, shall be deemed to be the collective bargaining  
17 18 agreement between the parties.

17 19 13. The determination of the ~~panel of arbitrators shall be~~  
17 20 ~~by majority vote and arbitrator~~ shall be final and binding  
17 21 subject to the provisions of section 20.17, subsection 6. The  
17 22 ~~panel of arbitrators arbitrator~~ shall give written explanation  
17 23 ~~for its selection the arbitrator's selections~~ and inform the  
17 24 parties of ~~its the~~ decision.

17 25 Sec. 34. Section 20.24, Code 2007, is amended to read as  
17 26 follows:

17 27 20.24 NOTICE AND SERVICE.

17 28 Any notice required under the provisions of this chapter  
17 29 shall be in writing, but service thereof shall be sufficient  
17 30 if mailed by restricted certified mail, return receipt  
17 31 requested, addressed to the last known address of the ~~parties~~  
17 32 ~~intended recipient~~, unless otherwise provided in this chapter.  
17 33 Refusal of restricted certified mail by any party shall be  
17 34 considered service. ~~Prescribed Unless otherwise provided in~~  
17 35 ~~this chapter, prescribed~~ time periods shall commence from the

18 1 date of the receipt of the notice. Any party may at any time  
18 2 execute and deliver an acceptance of service in lieu of mailed  
18 3 notice.

18 4 Sec. 35. Section 412.1, Code 2007, is amended to read as  
18 5 follows:

18 6 412.1 AUTHORITY TO ESTABLISH SYSTEM.

18 7 The council, board of waterworks trustees, or other board  
18 8 or commission, whichever is authorized by law to manage and  
18 9 operate any municipally owned waterworks system, or other  
18 10 municipally owned and operated public utility, may establish a  
18 11 pension and annuity retirement system for the employees of any  
18 12 such waterworks system, or other municipally owned and  
18 13 operated public utility. ~~A pension and annuity retirement~~  
18 14 ~~system established pursuant to this chapter shall not be~~  
18 15 ~~considered a retirement system established by statute for~~  
18 16 ~~purposes of section 20.9 and shall not be excluded from the~~  
18 17 ~~scope of negotiations under section 20.9.~~

18 18 Sec. 36. Section 20.30, Code 2007, is repealed.

18 19 DIVISION II

18 20 TEACHER CONTRACTS AND DISCIPLINE

18 21 Sec. 37. Section 260C.39, unnumbered paragraph 3, Code  
18 22 2007, is amended to read as follows:

18 23 The terms of employment of personnel, for the academic year  
18 24 following the effective date of the agreement to combine the  
18 25 merged areas shall not be affected by the combination of the



18 26 merged areas, except in accordance with the procedures under  
18 27 sections 279.15 ~~to 279.18~~ through 279.16 and section 279.24,  
18 28 to the extent those procedures are applicable, or under the  
18 29 terms of the base bargaining agreement. The authority and  
18 30 responsibility to offer new contracts or to continue, modify,  
18 31 or terminate existing contracts pursuant to any applicable  
18 32 procedures under chapter 279, shall be transferred to the  
18 33 acting, and then to the new, board of the combined merged area  
18 34 upon certification of a favorable vote to each of the merged  
18 35 areas affected by the agreement. The collective bargaining  
19 1 agreement of the merged area receiving the greatest amount of  
19 2 general state aid shall serve as the base agreement for the  
19 3 combined merged area and the employees of the merged areas  
19 4 which combined to form the new combined merged area shall  
19 5 automatically be accreted to the bargaining unit from that  
19 6 former merged area for purposes of negotiating the contracts  
19 7 for the following years without further action by the public  
19 8 employment relations board. If only one collective bargaining  
19 9 agreement is in effect among the merged areas which are  
19 10 combining under this section, then that agreement shall serve  
19 11 as the base agreement, and the employees of the merged areas  
19 12 which are combining to form the new combined merged area shall  
19 13 automatically be accreted to the bargaining unit of that  
19 14 former merged area for purposes of negotiating the contracts  
19 15 for the following years without further action by the public  
19 16 employment relations board. The board of the combined merged  
19 17 area, using the base agreement as its existing contract, shall  
19 18 bargain with the combined employees of the merged areas that  
19 19 have agreed to combine for the academic year beginning with  
19 20 the effective date of the agreement to combine merged areas.  
19 21 The bargaining shall be completed by March 15 prior to the  
19 22 academic year in which the agreement to combine merged areas  
19 23 becomes effective or within one hundred eighty days after the  
19 24 organization of the acting board of the new combined merged  
19 25 area, whichever is later. If a bargaining agreement was  
19 26 already concluded in the former merged area which has the  
19 27 collective bargaining agreement that is serving as the base  
19 28 agreement for the new combined merged area, between the former  
19 29 merged area board and the employees of the former merged area,  
19 30 that agreement is void, unless the agreement contained  
19 31 multiyear provisions affecting academic years subsequent to  
19 32 the effective date of the agreement to form a combined merged  
19 33 area. If the base collective bargaining agreement contains  
19 34 multiyear provisions, the duration and effect of the agreement  
19 35 shall be controlled by the terms of the agreement. The  
20 1 provisions of the base agreement shall apply to the offering  
20 2 of new contracts, or the continuation, modification, or  
20 3 termination of existing contracts between the acting or new  
20 4 board of the combined merged area and the combined employees  
20 5 of the new combined merged area.  
20 6 Sec. 38. Section 273.22, subsection 1, Code 2007, is  
20 7 amended to read as follows:  
20 8 1. The terms of employment of the administrator and staff  
20 9 of affected area education agencies for the school year  
20 10 beginning with the effective date of the formation of the new  
20 11 area education agency shall not be affected by the formation  
20 12 of the new area education agency, except in accordance with  
20 13 the provisions of sections 279.15 through ~~279.18~~ 279.16, and  
20 14 279.24, and the authority and responsibility to offer new  
20 15 contracts or to continue, modify, or terminate existing  
20 16 contracts pursuant to sections 279.12, 279.13, 279.15 through  
20 17 279.21, 279.23, and 279.24 for the school year beginning with  
20 18 the effective date of the reorganization shall be transferred  
20 19 from the boards of the existing area education agencies to the  
20 20 board of the new area education agency following approval of  
20 21 the reorganization plan by the state board as provided in  
20 22 section 273.21, subsection 4.  
20 23 Sec. 39. Section 275.33, subsection 1, Code 2007, is  
20 24 amended to read as follows:  
20 25 1. The terms of employment of superintendents, principals,  
20 26 and teachers, for the school year following the effective date  
20 27 of the formation of the new district shall not be affected by  
20 28 the formation of the new district, except in accordance with  
20 29 the provisions of sections 279.15 ~~to 279.18~~ through 279.16 and  
20 30 279.24 and the authority and responsibility to offer new  
20 31 contracts or to continue, modify, or terminate existing  
20 32 contracts pursuant to sections 279.12, 279.13, 279.15 to  
20 33 279.21, 279.23, and 279.24 for the school year beginning with  
20 34 the effective date of the reorganization shall be transferred  
20 35 from the boards of the existing districts to the board of the  
21 1 new district on the third Tuesday of January prior to the

21 2 school year the reorganization is effective.

21 3 Sec. 40. Section 279.13, subsection 3, Code Supplement

21 4 2007, is amended to read as follows:

21 5 3. If the provisions of a contract executed or

21 6 automatically renewed under this section conflict with a

21 7 collective bargaining agreement negotiated under chapter 20

21 8 ~~and effective when the contract is executed or renewed~~, the

21 9 provisions of the collective bargaining agreement shall

21 10 prevail.

21 11 Sec. 41. Section 279.13, subsection 4, unnumbered

21 12 paragraph 1, Code Supplement 2007, is amended to read as

21 13 follows:

21 14 For purposes of this section, sections 279.14, 279.15

21 15 ~~through 279.17, 279.15A, 279.16, 279.19, and 279.27~~, unless

21 16 the context otherwise requires, "teacher" includes the

21 17 following individuals employed by a community college:

21 18 Sec. 42. Section 279.14, subsection 2, Code 2007, is

21 19 amended by striking the subsection.

21 20 Sec. 43. Section 279.15, subsection 1, Code 2007, is

21 21 amended to read as follows:

21 22 ~~1.~~ The superintendent or the superintendent's designee

21 23 shall notify the teacher and the board of directors not later

21 24 than April 30 that the superintendent will recommend in

21 25 writing to the board at a regular or special meeting of the

21 26 board, held not later than May 15, that the teacher's

21 27 continuing contract be terminated effective at the end of the

21 28 current school year. However, if the district is subject to

21 29 reorganization under chapter 275, the notification shall not

21 30 occur until after the first organizational meeting of the

21 31 board of the newly formed district. The procedure for

21 32 termination shall be as provided in sections 279.15A and

21 33 279.16.

21 34 Sec. 44. Section 279.15, subsection 2, Code 2007, is

21 35 amended by striking the subsection.

22 1 Sec. 45. NEW SECTION. 279.15A TERMINATION PROCEDURES ==

22 2 SCHOOL BOARD MEETING == REQUEST FOR PRIVATE HEARING.

22 3 1. Notification of recommendation of termination of a

22 4 teacher's contract shall be in writing and shall be personally

22 5 delivered to the teacher, or sent by certified mail. The

22 6 notification shall be complete when personally received by the

22 7 teacher. The notification and the recommendation to terminate

22 8 shall contain a short and plain statement of the reasons,

22 9 which shall be for just cause, why the recommendation is being

22 10 made. The notification shall also indicate that the teacher

22 11 may, within five days of receipt of the notice, request in

22 12 writing to the secretary of the board, a private meeting with

22 13 the board, or a private hearing pursuant to section 279.16.

22 14 If a hearing is requested, the board and teacher shall proceed

22 15 according to the provisions of section 279.16.

22 16 2. If the teacher requests a private meeting, the board

22 17 shall, within five days of the receipt of the request, deliver

22 18 to the teacher, in writing, notice of declination to meet with

22 19 the teacher, or notice of a time and place for the meeting

22 20 with the board which meeting shall be exempt from the

22 21 requirements of chapter 21. If the board declines to meet

22 22 with teacher, the parties shall immediately proceed under

22 23 section 279.16. The private meeting, if agreed to by the

22 24 board, shall be held no later than fifteen days from receipt

22 25 of the request for the private meeting. At the meeting, the

22 26 superintendent shall have the opportunity to discuss with the

22 27 board the reasons for the issuance of the notice. The

22 28 teacher, or the teacher's representative, shall be given an

22 29 opportunity to respond. At the conclusion of the meeting, the

22 30 board of directors and the teacher may enter into a mutually

22 31 agreeable resolution to the recommendation of termination. If

22 32 no resolution is reached by the parties, the board shall

22 33 immediately meet in open session, and, by majority roll call

22 34 vote, either reject or support the superintendent's

22 35 recommendation. If the recommendation is rejected, the

23 1 teacher's continuing contract shall remain in force and

23 2 effect. If the recommendation is supported, the parties shall

23 3 immediately proceed under section 279.16.

23 4 3. If the teacher does not request a private meeting or

23 5 private hearing pursuant to this section, the board may

23 6 determine the continuance, discontinuance, or termination of

23 7 the contract and, if the board determines to continue the

23 8 teacher's contract, whether to suspend the teacher with or

23 9 without pay for a period specified by the board. Board action

23 10 shall be by majority roll call vote entered on the minutes of

23 11 the meeting. The board shall make a determination as

23 12 expeditiously as possible, or, for a termination of contract

23 13 pursuant to section 279.15, not later than May 31. Notice of  
23 14 board action shall be personally delivered or mailed to the  
23 15 teacher.

23 16 4. As a part of the termination proceedings, the teacher's  
23 17 complete personnel file of employment by that board shall be  
23 18 available to the teacher, which file shall contain a record of  
23 19 all periodic evaluations between the teacher and appropriate  
23 20 supervisors.

23 21 Sec. 46. Section 279.16, Code 2007, is amended to read as  
23 22 follows:

23 23 279.16 PRIVATE HEARING == DECISION == RECORD.

23 24 1. If a private hearing is requested pursuant to section  
23 25 279.15A, or if the board declines to meet with the teacher  
23 26 after a teacher's request for a meeting under section 279.15A,  
23 27 the secretary of the board shall immediately forward to the  
23 28 public employment relations board a request that the public  
23 29 employment relations board submit a list of five qualified  
23 30 adjudicators to the parties for purposes of conducting a  
23 31 private hearing. Within three days from receipt of the list  
23 32 the parties shall select an adjudicator by alternately  
23 33 removing a name from the list until only one name remains.  
23 34 The person whose name remains shall be the adjudicator. The  
23 35 parties shall determine by lot which party shall remove the  
24 1 first name from the list. The hearing shall be held no sooner  
24 2 than ten days and not later than thirty days following the  
24 3 selection of the adjudicator in order to allow the teacher  
24 4 a reasonable discovery, unless the parties otherwise agree.

24 5 2. The adjudicator selected shall notify the secretary of  
24 6 the board and the teacher in writing concerning the date,  
24 7 time, and location of the hearing. The board may be  
24 8 represented by a legal representative, and the teacher shall  
24 9 appear and may be represented by counsel or by a  
24 10 representative.

24 11 3. The participants at the private hearing requested  
24 12 pursuant to section 279.15A shall be at least a majority of  
24 13 the members of the board, their legal representatives, if any,  
24 14 include the superintendent, the superintendent's designated  
24 15 representatives, if any, the teacher's immediate supervisor,  
24 16 the teacher, the teacher's representatives, if any, and the  
24 17 witnesses for the parties. The evidence at the private  
24 18 hearing shall be limited to the specific reasons stated in the  
24 19 superintendent's notice of recommendation of termination. No  
24 20 Hearsay evidence shall not form a sufficient basis for  
24 21 termination. A participant in the hearing shall not be liable  
24 22 for any damages to any person if any statement at the hearing  
24 23 is determined to be erroneous as long as the statement was  
24 24 made in good faith. The superintendent shall present evidence  
24 25 and argument on all issues involved and the teacher may  
24 26 cross-examine, respond, and present evidence and argument in  
24 27 the teacher's behalf relevant to all issues involved.  
24 28 Evidence may be by stipulation of the parties and informal  
24 29 settlement may be made by stipulation, consent, or default or  
24 30 by any other method agreed upon by the parties in writing.  
24 31 The board shall employ a certified shorthand reporter to keep  
24 32 a record of the private hearing. The proceedings or any part  
24 33 thereof shall be transcribed at the request of either party  
24 34 with the expense of transcription charged to the requesting  
24 35 party.

25 1 2. 4. The presiding officer of the board adjudicator may  
25 2 administer oaths in the same manner and with like effect and  
25 3 under the same penalties as in the case of magistrates  
25 4 exercising criminal or civil jurisdiction. The board  
25 5 adjudicator shall cause subpoenas to be issued for such  
25 6 witnesses and the production of such books and papers as  
25 7 either the board adjudicator or the teacher may designate.  
25 8 The subpoenas shall be signed by the presiding officer of the  
25 9 board adjudicator.

25 10 3. 5. In case a witness is duly subpoenaed and refuses to  
25 11 attend, or in case a witness appears and refuses to testify or  
25 12 to produce required books or papers, the board adjudicator  
25 13 shall, in writing, report such refusal to the district court  
25 14 of the county in which the administrative office of the school  
25 15 district is located, and the court shall proceed with the  
25 16 person or witness as though the refusal had occurred in a  
25 17 proceeding legally pending before the court.

25 18 4. 6. The board adjudicator shall not be bound by common  
25 19 law or statutory rules of evidence or by technical or formal  
25 20 rules of procedure, but it shall hold the hearing in such  
25 21 manner as is best suited to ascertain and conserve the  
25 22 substantial rights of the parties. Process and procedure  
25 23 under sections 279.13 to 279.19 shall be as summary as

~~25 24 reasonably may be.~~

~~25 25 5- 7. At the conclusion of the private hearing, the~~  
~~25 26 superintendent board and the teacher may file written briefs~~  
~~25 27 and arguments with the board adjudicator within three days or~~  
~~25 28 such other time as may be agreed upon.~~

~~25 29 6. If the teacher fails to timely request a private~~  
~~25 30 hearing or does not appear at the private hearing, the board~~  
~~25 31 may proceed and make a determination upon the superintendent's~~  
~~25 32 recommendation. If the teacher fails to timely file a request~~  
~~25 33 for a private hearing, the determination shall be not later~~  
~~25 34 than May 31. If the teacher fails to appear at the private~~  
~~25 35 hearing, the determination shall be not later than five days~~  
~~26 1 after the scheduled date for the private hearing. The board~~  
~~26 2 shall convene in open session and by roll call vote determine~~  
~~26 3 the termination or continuance of the teacher's contract and,~~  
~~26 4 if the board votes to continue the teacher's contract, whether~~  
~~26 5 to suspend the teacher with or without pay for a period~~  
~~26 6 specified by the board.~~

~~26 7 7. Within five days after the private hearing, the board~~  
~~26 8 shall, in executive session, meet to make a final decision~~  
~~26 9 upon the recommendation and the evidence as herein provided.~~  
~~26 10 The board shall also consider any written brief and arguments~~  
~~26 11 submitted by the superintendent and the teacher.~~

~~26 12 8. The record for a private hearing shall include:~~

~~26 13 a. All pleadings, motions and intermediate rulings.~~

~~26 14 b. All evidence received or considered and all other~~  
~~26 15 submissions.~~

~~26 16 c. A statement of all matters officially noticed.~~

~~26 17 d. All questions and offers of proof, objections and~~  
~~26 18 rulings thereon.~~

~~26 19 e. All findings and exceptions.~~

~~26 20 f. Any decision, opinion, or conclusion by the board.~~

~~26 21 g. Findings of fact shall be based solely on the evidence~~  
~~26 22 in the record and on matters officially noticed in the record.~~

~~26 23 9- 8. The decision of the board adjudicator shall be in~~  
~~26 24 writing and shall include findings of fact and conclusions of~~  
~~26 25 law, separately stated contain a determination of whether a~~  
~~26 26 preponderance of evidence supports a finding that just cause~~  
~~26 27 exists for the termination of the teacher's continuing~~  
~~26 28 contract. Findings of fact, if set forth in statutory~~  
~~26 29 language, shall be accompanied by a concise and explicit~~  
~~26 30 statement of the underlying facts and supporting the findings.~~  
~~26 31 Each conclusion of law shall be supported by cited authority~~  
~~26 32 or by reasoned opinion. The adjudicator shall issue a~~  
~~26 33 decision within a reasonable time following the hearing. The~~  
~~26 34 adjudicator shall make a specific determination of whether the~~  
~~26 35 teacher's continuing contract should be terminated for just~~  
~~27 1 cause, or whether a sanction less severe than termination of~~  
~~27 2 the teacher's contract is appropriate. The adjudicator shall~~  
~~27 3 immediately mail a copy of the decision to the board, the~~  
~~27 4 superintendent, and the teacher. The decision of the~~  
~~27 5 adjudicator is final.~~

~~27 6 10. When the board has reached a decision, opinion, or~~  
~~27 7 conclusion, it shall convene in open meeting and by roll call~~  
~~27 8 vote determine the continuance or discontinuance of the~~  
~~27 9 teacher's contract and, if the board votes to continue the~~  
~~27 10 teacher's contract, whether to suspend the teacher with or~~  
~~27 11 without pay for a period specified by the board. The record~~  
~~27 12 of the private conference and findings of fact and exceptions~~  
~~27 13 shall be exempt from the provisions of chapter 22. The~~  
~~27 14 secretary of the board shall immediately mail notice of the~~  
~~27 15 board's action to the teacher.~~

~~27 16 Sec. 47. Section 279.19, Code 2007, is amended by striking~~  
~~27 17 the section and inserting in lieu thereof the following:~~

~~27 18 279.19. BEGINNING TEACHERS.~~

~~27 19 If a teacher receiving a notice under section 279.15 is a~~  
~~27 20 beginning teacher, as defined in section 284.2, the provisions~~  
~~27 21 of sections 279.15, 279.15A, and 279.16 shall apply. In~~  
~~27 22 addition to the powers and duties of the adjudicator as~~  
~~27 23 provided in section 279.16, the adjudicator shall also~~  
~~27 24 determine, if the teacher is a beginning teacher, whether the~~  
~~27 25 teacher has sufficiently demonstrated competency under the~~  
~~27 26 standards listed in section 284.3, subsection 1. If the~~  
~~27 27 determination of the adjudicator is that such competency has~~  
~~27 28 been established, the determination shall be communicated to~~  
~~27 29 the board of educational examiners created in section 272.2,~~  
~~27 30 which shall then issue a standard license to the teacher,~~  
~~27 31 notwithstanding any provision in section 284.5, subsection 6,~~  
~~27 32 to the contrary.~~

~~27 33 Sec. 48. Section 279.27, Code 2007, is amended to read as~~  
~~27 34 follows:~~



27 35 279.27 DISCHARGE OF TEACHER.  
28 1 A teacher may be discharged at any time during the contract  
28 2 year for just cause. The superintendent or the  
28 3 superintendent's designee, shall notify the teacher  
28 4 immediately that the superintendent will recommend in writing  
28 5 to the board at a regular or special meeting of the board held  
28 6 not more than fifteen days after notification has been given  
28 7 to the teacher that the teacher's continuing contract be  
28 8 terminated effective immediately following a decision of the  
28 9 board. The procedure for ~~dismissal termination~~ shall be as  
28 10 provided in ~~section 279.15, subsection 2, and sections 279.15A~~  
28 11 ~~and 279.16 to 279.19.~~ The superintendent may suspend a  
28 12 teacher under this section pending ~~hearing and~~ determination  
28 13 by the board ~~under section 279.15A or by the adjudicator under~~  
28 14 ~~section 279.16, whichever is applicable.~~  
28 15 Sec. 49. Section 279.40, unnumbered paragraph 5, Code  
28 16 2007, is amended by striking the unnumbered paragraph.  
28 17 Sec. 50. Section 279.46, Code 2007, is amended to read as  
28 18 follows:  
28 19 279.46 RETIREMENT INCENTIVES == TAX.  
28 20 ~~The If a school district and an employee organization~~  
28 21 ~~representing employees of the school district have not~~  
28 22 ~~negotiated an early retirement incentive plan pursuant to~~  
28 23 ~~chapter 20, the board of directors of a school district may~~  
28 24 adopt a program for payment of a monetary bonus, continuation  
28 25 of health or medical insurance coverage, or other incentives  
28 26 for encouraging its employees to retire before the normal  
28 27 retirement date as defined in chapter 97B. The program is  
28 28 available only to employees who notify the board of directors  
28 29 prior to April 1 of the fiscal year that they intend to retire  
28 30 not later than the start of the next following school  
28 31 calendar. The age at which employees shall be designated  
28 32 eligible for the program shall be at the discretion of the  
28 33 board. An employee retiring under this section may apply for  
28 34 a retirement allowance under chapter 97B or chapter 294. The  
28 35 board may include in the district management levy an amount to  
29 1 pay the total estimated accumulated cost to the school  
29 2 district of the health or medical insurance coverage, bonus,  
29 3 or other incentives for employees within the age range of  
29 4 fifty=five to sixty=five years of age who retire under this  
29 5 section.  
29 6 Sec. 51. Section 284.3, subsection 2, paragraph a, Code  
29 7 Supplement 2007, is amended to read as follows:  
29 8 a. (1) For purposes of comprehensive evaluations for  
29 9 beginning teachers required to allow beginning teachers to  
29 10 progress to career teachers, standards and criteria that are  
29 11 the Iowa teaching standards specified in subsection 1 and the  
29 12 criteria for the Iowa teaching standards developed by the  
29 13 department in accordance with section 256.9, subsection 50.  
29 14 These standards and criteria shall be set forth in an  
29 15 instrument provided by the department. ~~The comprehensive~~  
29 16 ~~evaluation and instrument are not subject to negotiations or~~  
29 17 ~~grievance procedures pursuant to chapter 20 or determinations~~  
29 18 ~~made by the board of directors under section 279.14. A local~~  
29 19 ~~school board and its certified bargaining representative may~~  
29 20 ~~negotiate, pursuant to chapter 20, evaluation and grievance~~  
29 21 ~~procedures for beginning teachers that are not in conflict~~  
29 22 ~~with this chapter.~~  
29 23 (2) ~~If a school board determines that a beginning teacher~~  
29 24 ~~fails to demonstrate competence in the Iowa teaching~~  
29 25 ~~standards, the beginning teacher may appeal the decision to an~~  
29 26 ~~adjudicator under the process established under section~~  
29 27 ~~279.16. If, in accordance with section 279.19, a beginning~~  
29 28 ~~teacher appeals the determination of a school board to an~~  
29 29 ~~adjudicator under section 279.17, the adjudicator selected~~  
29 30 ~~shall have successfully completed training related to the Iowa~~  
29 31 ~~teacher standards, the criteria adopted by the state board of~~  
29 32 ~~education in accordance with subsection 3, and any additional~~  
29 33 ~~training required under rules adopted by the public employment~~  
29 34 ~~relations board in cooperation with the state board of~~  
29 35 ~~education.~~  
30 1 Sec. 52. Section 284.8, subsection 3, Code Supplement  
30 2 2007, is amended to read as follows:  
30 3 3. If a teacher is denied advancement to the career II or  
30 4 advanced teacher level based upon a performance review, the  
30 5 teacher may appeal the decision to an adjudicator under the  
30 6 process established under section ~~279.17~~ 279.16. However, the  
30 7 decision of the adjudicator is final.  
30 8 Sec. 53. Section 279.17, Code Supplement 2007, is  
30 9 repealed.  
30 10 Sec. 54. Section 279.18, Code 2007, is repealed.

30 11 HF 2645  
30 12 ec/jg/25