

Termination of 279 Contracts

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It is imperative that the District abide by the statutory procedures, since a failure to do so may render the termination ineffective.

Initial steps are the same
for all 279 Teachers-
probationary and non-probationary

TEACHERS

- A. Notice and Recommendation to Terminate delivered personally to the teacher

April 30 deadline – unless you have a local deadline that is earlier

B. Proof of Personal Service

For your own records to document the date of delivery

C. The Recommendation to the Board to Terminate.

Be certain that a copy of the Notice is attached to the Recommendation when it is presented to the Board

D. The Recommendation should be contained in a sealed envelope.

Regular or special meeting held not later than May 15.

Agenda item would be “Receipt and filing of termination recommendation.”

E. A private hearing before the Board

Teacher must file a written request with the secretary of the Board within five days

The hearing must be held no sooner than ten days, nor later than twenty days following receipt of the request for a hearing

The private hearing is not subject to the open meetings law, Iowa Code Chapter 21

F. If the teacher fails to request a hearing, the determination must be made not later than May 31

The Board must convene in open session and by roll call vote determine the termination or continuance of the teacher's contract

G. Board Secretary to notify the teacher in writing of the date, time and location of the private hearing

H. At least five days before the hearing, the Board Secretary must provide the teacher with any exhibits and a list of the witnesses. At least three days before the hearing, the teacher must provide any exhibits the names of any witnesses who might address the Board

- I. The teacher may be represented by counsel.
No technical rules of procedure and evidence.

Both the Superintendent and the teacher have an opportunity to call witnesses, cross-examine witnesses, and to submit evidence relevant to the reasons stated by the Superintendent

The Board president can issue subpoenas.

J. Written briefs and arguments may be filed with the Board after the hearing.

The statute requires that the Board meet within five days after the close of the private hearing to make a final determination.

The decision of the Board must be in writing and include findings of fact and conclusions of law, separately stated.

K. Decision

Open meeting and by roll call vote determine the continuance or discontinuance of the contract.

The Board Secretary must immediately mail notice of the Board's action to the teacher

The Board Secretary should send this notice by certified mail

L. For probationary teachers, this is the end of the process.

A non-probationary teacher has the right to appeal the determination of the Board to an adjudicator within ten days

Procedural Steps for Termination of Administrator

Termination of a non-probationary administrator usually involves the following steps:

A. School board meets to vote on whether to consider termination of the administrator's contract. The vote has to be in open session.

B. The administrator must be notified in writing that the school board has voted to consider termination of the contract.

C. The notice must state the specific reasons to be used by the school board for considering termination which shall be for just cause.

D. Within five days the administrator may request a hearing before an administrative law judge.

If the administrator does not request a hearing, the school board may determine the continuance or discontinuance of the contract.

School board action must be by majority roll call vote entered on the minutes of the meeting.

E. If a hearing is requested, the hearing must be held no sooner than ten days and not later than thirty days following the administrator's request

F. An administrative law judge, selected from a list provided to the parties hold a public hearing.

G. The administrative law judge makes a proposed decision

H. The proposed decision of the administrative law judge is the final decision of the school board unless either the administrator or board appeals.

I. Any appeal is to the school board. A private hearing can then held before the school board.

J. When the school board has reached a decision, it must convene in open meeting and by roll call vote determine the continuance or discontinuance of the administrator's contract

K. The administrator may within thirty days after notification by the school board of discontinuance of the contract appeal to the district court.