

January 23, 1951.
Passed on File.

Senate File 173
By O'MALLEY and McCARVILLE.

Passed Senate, Date
Vote: Ayes..... Nays.....
Passed House, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to amend chapter two hundred seventy-nine point twenty-four (279.24), Code 1950, relating to contracts of certificated school employees to clarify the procedure necessary for the discharge of such employee for cause and during the life of a valid contract.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section two hundred seventy-nine point twenty-
2 four (279.24), Code 1950, is hereby amended by adding the follow-
3 ing: "The board shall give written notification of such contem-
4 plated action by a registered letter mailed to the teacher not
5 later than ten days preceding a special meeting of the board called
6 to consider his dismissal. Such letter shall contain specific
7 charges upon which the contemplated action of the school board
8 is based.

9 "The teacher shall have the right to a full and fair hearing.
10 At such hearing, either party may appear with or without counsel,
11 may present evidence relevant and material to the charges, including
12 the testimony of witnesses under oath or affirmation, and may
13 personally or by counsel examine and cross-examine all witnesses.
14 In the event any prospective witness refuses or fails to appear,

15 his presence may be compelled by subpoena issued by the clerk of
16 the board (or clerk of the court) upon request of either party.

17 A stenographic record shall be taken of the proceedings at the
18 expense of the school district and shall be made available to
19 both parties. After all the evidence has been introduced, each
20 party may argue the facts and the law in the case, either orally
21 or by briefs, providing that the board may fix a time within
22 which all written briefs must be filed. Decision of the board
23 must be based upon the evidence supporting the specific charge
24 or charges, and upon no other evidence.

25 “Upon the conclusion of the hearing, the board shall
26 determine the question of continuance or discontinuance of the
27 contract by a roll-call vote entered in the minutes of the board.

28 “The teacher may waive his right to such hearing.

29 “If the decision of the board, after hearing, is against
30 termination of the contract, the charges and record of the hearing,
31 if any has been held, shall be physically expunged from the minutes
32 upon the request of the teacher, otherwise they shall remain a part
33 of the official record of the district.

34 “The term teacher as used in this law shall include all
35 certificated school employees, including superintendents.”