

February 28, 1963.  
Passed on File. *Schools, Libraries 3/11*

House File 470  
By ELY.

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

## A BILL FOR

An Act relating to termination of contracts with school teachers.

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

1 Section 1. Section two hundred seventy-nine point thirteen  
2 (279.13), Code 1962, is hereby amended by striking all of such  
3 section after the word "and" in line seventy-six (76) thereof  
4 and inserting in lieu thereof the following:  
5 "(2) the specific grounds relied upon by the board, which  
6 grounds shall be limited to (a) insubordination, immoral charac-  
7 ter or conduct unbecoming a teacher and (b) inefficiency, in-  
8 competency, physical or mental disability or neglect of duty and  
9 that (3) the teacher shall have the right to a public hearing,  
10 with right of counsel, if the teacher files a request therefor  
11 with the president or secretary of the board within five (5)  
12 days; and if within five (5) days after receipt by the teacher  
13 of such written information the teacher files with the president  
14 or secretary of the board a written request for a hearing, the  
15 board shall, before any notice of termination is mailed, give  
16 the teacher a written notice of the time and place of such hear-  
17 ing and shall hold a public hearing if the teacher appears at  
18 such time and place either alone or with representation. If the  
19 board fails to notify the teacher by April 15, the board must  
20 grant to the teacher all general increases in salary granted to  
21 those in his classification in the school system. At such hear-

22 ing and at all hearings provided for by this section, the teacher  
23 shall have the right to confront all witnesses upon whose  
24 evidence the board took the action. If no witnesses so appear  
25 the board will furnish to the teacher a list of witnesses against  
26 him and, if requested by the teacher, the board shall subpoena  
27 such witnesses. At the close of the hearing, the board shall  
28 render a written decision and a copy shall be furnished to the  
29 teacher. If the board decides to terminate the contract, it  
30 shall specify the date of termination in the decision; however,  
31 the date of termination shall not be before the date the board  
32 notifies the teacher of its decision. If the teacher is dis-  
33 satisfied with the decision of the board, such teacher may appeal  
34 to the district court of the county of his employment. Said  
35 appeal trial shall be by trial de novo of all matters of law and  
36 fact. The appeal in such cases shall be perfected by filing with  
37 the clerk of said court within thirty (30) days after the date  
38 of the board's decision, a petition setting forth the act com-  
39 plained of. The rules of civil procedure governing original  
40 notice in civil matters shall apply and pleadings shall conform  
41 to the practice in other civil proceedings. If the district  
42 court, sitting without a jury, finds a dismissal to be not in  
43 accord with statutes governing dismissal of teachers, or that  
44 the facts do not substantiate said dismissal, then the teacher  
45 shall be reinstated without loss of pay or status in the posi-  
46 tion held immediately before his dismissal by the board. If the  
47 district court upholds the teacher in his position, all reason-  
48 able expenses incurred by the teacher shall be paid by the  
49 board, the court awarding same. The foregoing provisions for  
50 termination shall affect the powers of the board of directors to

51 discharge a teacher for cause under the provisions of section  
52 two hundred seventy-nine point twenty-four (279.24) of the Code  
53 insofar as to grounds, right of counsel and all other provisions  
54 concerning notice, right of public hearing, confrontation of  
55 witnesses and appeal, and all other provisions contained in this  
56 section. The term 'teacher' as used in this section shall include  
57 all certificated school employees, including superintendents."

EXPLANATION OF HOUSE FILE 470

The purpose of this bill is to clarify the methods by which contracts with teachers may be terminated and to provide for discharge of teachers. It also provides for an appeal for any teacher who feels he was wrongfully discharged. The bill further provides that if the district court finds that the facts do not substantiate the dismissal, the teacher may recover all reasonable expenses incurred and provides that the teacher shall be reinstated without loss of pay or status.