

**MEMORANDUM**

**To:** Board of Regents  
**From:** Board Office  
**Subject:** Faculty Reorganization  
**Date:** April 10, 2000

**Recommended Actions:**

1. Consider the recommendation of Superintendent Thurman to terminate the employment of four teachers; and
2. Conduct a private hearing as requested by one of the four teachers pursuant to Code of Iowa §§279.15 and 279.16.

**Executive Summary:**

On March 30, 2000, Superintendent Thurman timely notified four teachers of his intent to recommend termination of their employment to the Board at its meeting of April 19-20, 2000, as required by Iowa Code §279.15. Pursuant to this statute, the teachers had five days following notification in which timely to request a private hearing before the Board concerning the recommendation. Three of the teachers did not request a private hearing and the Board can make a decision concerning the Superintendent's recommendation concerning these three teachers at any time prior to May 31, 2000. The Board Office recommends that the Board consider the superintendent's recommendation during its executive session on Thursday morning, April 20, 2000. The Board's decision is final for these three teachers. Of these three teachers, two had probationary contracts and one had a non-probationary continuing contract.

The fourth teacher requested -- by letter dated March 30, and received in the Board on Office April 4 -- a private hearing before the Board on the superintendent's recommendation, pursuant to Iowa Code §279.15(2). The Board is scheduled to conduct the private hearing at 11:00 a.m. on Thursday, April 20, 2000. Following completion of the private hearing, the teacher and the superintendent have three days in which they may file written briefs and arguments with the Board, unless the time for

filing such briefs and arguments is extended by mutual agreement. Because this teacher is a probationary teacher pursuant to Iowa Code §279.19, this private hearing before the Board will exhaust the teacher's appeal rights and the Board's decision following the hearing will be final.

**Background:**

At its meeting of March 15-16, 2000, the Board approved the reorganization of Iowa Braille and Sight Saving School. Pursuant to the reorganization, the staffing plan for the 2000/2001 School Year was changed from the current year's staffing plan (a) to provide for additional Outreach Services Faculty and (b) to reduce the Center Based Services Faculty. Superintendent Thurman has informed the four teachers whose terminations of employment are under consideration that his recommendation is based on reorganization of the school.

Iowa Code §279.15 grants to teachers in the State of Iowa the right to a private hearing before the Board if the superintendent recommends termination of their employment. Teachers who have not completed a probationary period in another Iowa school district have probationary contracts for the first three consecutive years of their employment pursuant to Iowa Code §279.19. For employment termination of probationary teachers, the Board's decision is "...final and binding unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the teacher or an alleged violation of public employee rights of the teacher under section 20.10 [collective bargaining law]..." Three of the teachers have probationary contracts. Of these three, one has chosen to exercise the right to a private hearing before the Board on this recommendation. The Board is required by Iowa Code §279.15(2) to provide the teacher with a private hearing at this Board meeting. The private hearing has been scheduled for 11:00 a.m. on Thursday, April 20, 2000. Following the private hearing the teacher and superintendent will have three days in which to file briefs and arguments with the Board unless the time is extended by mutual consent. The Board is required to make its decision on the superintendent's recommendation within five days of the private hearing based on the information before it, including any briefs filed. The decision must include findings of fact and conclusions of law. Hence, a majority of the Board will need to meet on either Wednesday, April 24 or Thursday, April 25, to make this decision. The meeting can be telephonic.

Because of teaching experience, one teacher's continuing contract is not probationary pursuant to Iowa Code § 279.19. This teacher had a right to a private hearing before the Board as a first step in an administrative process, which could have been followed by an appeal to an adjudicator (Iowa Code §279.17) and could ultimately have gone to the district court (Iowa Code §279.18). This teacher has not timely requested a private hearing before the Board. Therefore, the Board can take final action on the superintendent's recommendation for termination of this teacher's contract at this meeting.

Superintendent Thurman has provided detailed information concerning his recommendation for reorganizing the faculty and the recommendations for termination of these faculty members. That information is contained in the confidential packet provided to Regents for the executive session.

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Charles Wright

Approved: \_\_\_\_\_  
Frank J. Stork