

MEMORANDUM

To: Board of Regents
From: Board Office
Subject: Faculty Reduction in Force
Date: May 7, 2001

Recommended Actions:

1. Consider the recommendation of Acting Superintendent Hooley to terminate the employment of two teachers, to reduce the number of contracted days for two teachers, and to terminate the 1988-89 faculty bonus for five teachers.
2. Conduct a private hearing as requested by five of the seven teachers pursuant to the Iowa Code §§279.15 and 279.16.

Executive Summary:

On April 26, 2001, Acting Superintendent Michael Hooley timely notified two teachers of his intent to recommend termination of their employment to the Board at its meeting of May 15, 2001, as required by Iowa Code §279.15. On April 25, 2001, Acting Superintendent Hooley timely notified three teachers of his intent to recommend a reduction in the number of contracted days (one of these teachers has since been restored to full contract status by the AEA), and five teachers of his intent to recommend a termination of their 1988-89 faculty bonus (granted by the Board in 1988-89 pursuant to statutory authority and continued through 2000-2001). Two of these teachers were also recommended for a reduction in the number of contracted days.

Pursuant to Iowa Code §279.15, the teachers had five days following notification in which to request a private hearing before the Board concerning the recommendations. The two teachers recommended for termination of contracts did not request a private hearing and the Board can make a decision concerning

the superintendent's recommendation regarding their contracts at any time prior to May 31, 2001. The Board's decision is final for these two teachers, one of whom has a probationary contract that is recommended for termination, and one of whom has a non-probationary continuing contract that is recommended for termination.

Five teachers have requested a private hearing before the Board on the superintendent's recommendation, pursuant to Iowa Code §279.15(2), by letters faxed to the Board Office in a timely manner. Two of these teachers are recommended to receive a reduction in the number of contracted days from 199 to 189, along with the elimination of their 88-89 performance bonus. Three of the teachers requesting a hearing are appealing the recommendation that their 88-89 performance bonus be eliminated. All of these teachers are non-probationary.

The Board is scheduled to conduct the private hearings on Tuesday, May 15, 2001 at 4:00 p.m. Following completion of the private hearings, the teachers 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 these teachers are non-probationary, they may appeal within ten days of the Board's decision to an adjudicator, pursuant to Iowa Code §279.17.

Background:

Iowa Braille and Sight Saving School, along with other Regent institutions and state agencies, is facing at least a 6% reduction in the FY 02 budget. In order to help meet this budget shortfall, the school is recommending faculty reductions, while still maintaining an appropriate ratio of teachers to students in the seven classrooms established in the March 2000 reorganization. However, the IBSSS strategic plan is affected in that it will be necessary to reduce consultative services to students statewide in order to maintain the seven classrooms. Acting Superintendent Hooley has informed the seven teachers whose terminations of employment, reductions in contracted days, and eliminations of bonus are under consideration that his recommendation is based on a lack of funding in the FY 02 budget.

The "1988-89 bonus" recommended for termination was a provision for extra-meritorious increases of \$1000 to \$2000 for selected faculty as part of the Phase III State Teachers Salary Improvement Program.

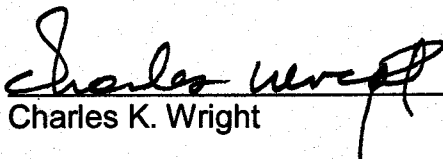
Iowa Code §279.15 grants to teachers in the State of Iowa the right to a private hearing before the Board if the superintendent recommends termination of their employment or changes in the terms of their continuing contract. Teachers who have not completed a probationary period in another Iowa school district have probationary contracts for the first three 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 under section 20.10 [collective bargaining law]..." These teachers have not elected to be represented pursuant to the collective bargaining law. One of the teachers recommended for termination has a probationary contract but has not chosen to exercise the right to a private hearing before the Board on this recommendation. The other teacher recommended for termination of employment has a non-probationary contract, but has also declined to request a private hearing.

Termination of the 1988-89 faculty bonus is recommended for five teachers. A reduction in the number of contracted days, from 199 to 189 is also recommended for two of these teachers. All five of these teachers are non-probationary and have requested a private hearing before the Board concerning the superintendent's recommendation. The Board is required by Iowa Code §279.15(2) to provide the teachers with a private hearing at this Board meeting. The private hearing has been scheduled for 4:00 p.m. on Tuesday, May 15, 2001. Following the private hearing, the teachers and the superintendent will have three days in which to file briefs and arguments with the Board, unless the time is extended by mutual consent, pursuant to Iowa Code §279.16. 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. Deputy Attorney General Allen will ask for such an extension at the time of the hearings. The meeting to reach this decision can be telephonic. The Board will also need to vote on this matter in open session.

Because the five teachers requesting hearings have continuing non-probationary contracts pursuant to Iowa Code §279.19, they have a right to a private hearing before the Board as a first step in an administrative process, which could be followed by an appeal to an adjudicator (Iowa Code §279.17) and could ultimately go to the district court (Iowa Code §279.18).

Acting Superintendent Hooley has provided detailed information concerning his recommendation for Faculty Reduction in Force. The information is contained in the confidential packet provided to the Board.


Charles K. Wright

Approved: _____


Frank J. Stork