



# Non-Probationary Teacher Contract Termination Process

The following flow chart describes the contract termination procedure for non-probationary teachers. Probationary teacher contracts do not have the same protections. A probationary teacher is either a new teacher in the first three years of employment in a school district or an experienced teacher up to their first two years of employment with a school district. This flow chart is meant to be used as a guide for general understanding of the termination process. This is not legal advice, and a district's legal counsel should be involved at each step.

## Preparation

Before beginning the teacher termination process, the superintendent should make sure there is documentation to support the superintendent's recommendation of termination (evaluations, financial data, etc.). The school attorney should be consulted before the termination process begins.

## Notice of Termination

The Superintendent must personally deliver or send by certified mail written notice stating the superintendent will recommend to the board, at a regular or special meeting, the teacher's contract be terminated and contain a short and plain statement for just cause, of the reasons why. The notice must be received by the teacher no later than April 30. The superintendent must submit a written recommendation of termination to the board in a regular or special meeting held not later than May 15. Iowa Code (IC) [279.15\(1\)](#), [.15\(2\)\(a\)](#)

### Teacher Takes No Action

#### Board Action

If the teacher takes no action after 5 days of receipt of the notice, the board, by roll call, votes on the superintendent's recommendation. The board can terminate the contract, suspend the teacher, issue a one-year nonrenewable contract, or retain the teacher. [IC 279.16\(4\)](#)

END

### Teacher Resigns

A teacher may file a written resignation with the secretary of the school board. The board may accept the resignation in lieu of termination and this information will be placed in the employee's personnel record. IC 279.13(2), [22.7\(11\)\(a\)\(5\)](#), [.15](#)

END

### Teacher Requests Hearing

The teacher has 5 days from receipt of notice to request a private hearing. The request must be in writing and given to the board secretary. IC [279.15\(2\)\(c\)](#)

## District and Teacher Obligations

After the board secretary receives the hearing request from the teacher, the board secretary informs the board, and notifies the teacher, in writing, of the date, time and location of the hearing.

At least 10 days prior to the private hearing, the board secretary must furnish to the teacher, all evidence and a list of witnesses to be presented at the hearing. At least 7 days prior to the private hearing, the teacher must furnish all evidence and a list of witnesses to be presented at the hearing.

The hearing will be held no sooner than 20 days and no later than 40 days after the district school board receives the teacher's request. IC 279.15(2)(c)



## Private Hearing

The private hearing will look different from district to district. The school's attorney should be consulted and will advise the district on how to move forward. Generally, the majority of the board, the teacher, the superintendent, witnesses and identified representatives, if any, will attend the hearing. The presiding officer of the board can administer oaths. The superintendent must present evidence and argument on the reasons as they appeared in the notice of recommendation of termination. The teacher may cross examine, respond, and offer evidence on the same issues. The board must keep a record of the hearing. IC 279.16 (1) – (3)



## Board Action

Within 5 days of the hearing, the board must make their final decision, in writing and based solely on the evidence in the record and matters officially noticed in the record.

Once a decision is made, the board convenes in an open meeting and by roll call, votes to terminate the contract, suspend the teacher, issue a one-year nonrenewable contract, or retain the teacher. The secretary of the board must immediately mail notice of the board's action to the teacher. IC 279.16 (5)-(8)



**Teacher Accepts  
Board Decision**

**END**



## Teacher Appeals Ruling

The teacher has 30 days from the filing of the board decision to appeal to district court. Notice must be immediately mailed by certified mail to the school district when the appeal is filed. The board secretary must send the original or certified copy of the final board decision and the entire record to the court. The process continues with the continued support of legal counsel. [IC 279.18](#)