

- B. Dr. Micich must be notified in writing by a letter personally delivered or mailed by certified mail that the Board has voted to consider termination of her contract. The notice must state the specific reasons to be used by the Board for considering termination which shall be for just cause.
- C. Within five days after receipt of the written notice, Dr. Micich may request a hearing before an administrative law judge. If Dr. Micich does not request a hearing, the Board may determine the continuance or discontinuance of her contract. Board action must be by majority roll call vote entered on the minutes of the meeting. Notice of Board action must be personally delivered or mailed to Dr. Micich. If no hearing is requested, then this is the end of the process.
- D. If a hearing is requested, the hearing must be held no sooner than ten days and not later than thirty days following Dr. Micich's request, unless the parties otherwise agree.
- E. An administrative law judge then conducts a hearing on whether just cause exists to terminate Dr. Micich's contract. The administrative law judge makes a proposed decision as to whether or not Dr. Micich should be dismissed, and gives a copy of the proposed decision to Dr. Micich and the Board. The proposed decision of the administrative law judge is the final decision of the Board, unless either Dr. Micich or the Board appeals.
- F. Any appeal is to the Board. A private hearing is then held before the Board. The private hearing is not subject to the Iowa Open meetings law. The Board may hear the case upon the record and each party may be allowed to file exceptions, present briefs, and present oral arguments to the Board which is to render the final decision.
- G. When the Board has reached a decision, it must convene in open meeting and by roll call vote determine the continuance or discontinuance of Dr. Micich's contract.
- H. Within thirty days after notification by the Board of discontinuance of her contract, Dr. Micich may appeal to the district court.

The term "litigation" is not defined in Iowa Code Chapter 21, and I could not find a definition of the term anywhere else in the Iowa Code. Although the matter is certainly one that is subject to fair debate, it is my opinion that the term "litigation" includes not only lawsuits brought in court but also contested case proceedings in which the rights of the parties are adjudicated pursuant to a specified statutory framework. This definition would include administrative proceedings governed by Iowa Code Chapter 17 (the Iowa Administrative Procedures Act) and proceedings governed by Iowa Code Chapter 279.

Even if the term "litigation" does not include proceedings to terminate the contract of a school district administrator, it is my opinion that the termination by the Board of the