

See Ed. Bd. Case #13

FILED FEB 27 1992

SENATE FILE 2238
BY COMMITTEE ON EDUCATION
approved (p. 530)
(SUCCESSOR TO SSB 2227)

Passed Senate, Date 3/10/92 (p. 691) Passed House, Date 1/21/92 (p. 1674)
Vote: Ayes 48 Nays 0 Vote: Ayes 96 Nays 0
Approved April 28, 1992 (p. 1697)

A BILL FOR

1 An Act to permit the participation in the instructional support
2 and educational improvement programs by newly reorganized
3 school districts.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2238

1 Section 1. Section 257.18, Code 1991, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. Participation in an instructional
4 support program is not affected by a change in the boundaries
5 of the school district, except as otherwise provided in this
6 section. If each school district involved in a school
7 reorganization under chapter 275 has approved an instructional
8 support program, and if the voters have not voted upon the
9 question of participation in the program in the reorganized
10 district, the instructional support program shall be in effect
11 for the reorganized district that has been approved for the
12 least amount and the shortest time in any of the districts.

13 Sec. 2. Section 257.29, Code 1991, is amended by adding
14 the following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. Participation in an educational
16 improvement program is not affected by a change in the
17 boundaries of the school district, except as otherwise
18 provided in this section. If each school district involved in
19 school reorganization under chapter 275 has approved an
20 educational improvement program, and if the voters have not
21 voted upon the question of participation in the program in the
22 reorganized district, the educational improvement program
23 shall be in effect for the reorganized district that has been
24 approved for the least amount and the shortest time in any of
25 the districts.

26 EXPLANATION

27 This bill provides that districts' participation in the
28 instructional support or educational improvement programs is
29 not affected by district reorganization under chapter 275.
30 However, if the districts involved in the reorganization
31 already have approved either program then the program which
32 has been approved in one of the former school districts for
33 the least amount and the shortest period of time is to be in
34 effect in the reorganized school district.

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SENATE FILE 2238

H-5555

1 Amend Senate File 2238, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 25 the
4 following:

5 " NEW SECTION. 257.29A EDUCATIONAL
6 PERFORMANCE PROGRAM.

7 An educational performance program is established
8 to provide additional funding for school districts
9 which have adopted the maximum enrichment levy prior
10 to July 1, 1992, and upon expiration of the period for
11 which the enrichment levy was adopted, approves the
12 use of the instructional support program established
13 in section 257.18. A board of directors that wishes
14 to consider participating in the educational
15 performance program shall hold a hearing on the
16 question of participation and the maximum percent, not
17 to exceed five percent, of the regular program
18 district cost of the district that will be used. The
19 hearing shall be held in the manner provided in
20 section 257.18 for the instructional support program.
21 Following the hearing, the board may direct the county
22 commissioner of elections to submit the question to
23 the qualified electors of the school district at the
24 next following regular school election or a special
25 election held not later than the following February 1.
26 If a majority of those voting on the question favors
27 participation in the program, the board shall adopt a
28 resolution to participate and shall certify the
29 results of the election to the department of
30 management and the district shall participate in the
31 program. If a majority of those voting on the
32 question does not favor participation, the district
33 shall not participate in the program.

34 The educational performance program shall provide
35 additional revenues each fiscal year equal to a
36 specified percent of the regular program district cost
37 of the district, as determined by the board but not
38 more than the maximum percent authorized by the
39 electors if an election has been held. Certification
40 of a district's participation for a budget year, the
41 method of funding, and the amount to be raised shall
42 be made to the department of management not later than
43 March 15 of the base year.

44 The educational performance program shall be funded
45 by either an educational performance property tax or
46 by a combination of an educational performance
47 property tax and an educational performance income
48 surtax. The method of raising the educational
49 performance moneys shall be determined by the board.
50 Subject to the limitation in section 298.14, if the

H-5555

H-5555

Page 2

1 board uses a combination of an educational performance
2 property tax and an educational performance income
3 surtax, the board shall determine the percent of
4 income surtax to be imposed, expressed as full
5 percentage points, not to exceed twenty percent.

6 The department of management shall establish the
7 amount of the educational performance property tax to
8 be levied or the amount of the combination of the
9 educational performance property tax to be levied and
10 the amount of the school district income surtax to be
11 imposed for each school year that the educational
12 performance amount is authorized. The educational
13 performance property tax and income surtax, if an
14 income surtax is imposed, shall be levied and imposed,
15 collected, and paid to the school district in the
16 manner provided for the instructional support program
17 in sections 257.21 through 257.26. Moneys received by
18 a school district under the educational performance
19 program are miscellaneous income.

20 Once approved at an election, the authority of the
21 board to use the educational performance program shall
22 continue until the expiration of the period of time
23 for which the instructional support program was
24 adopted. The use of the educational performance
25 program may continue for subsequent periods provided
26 it is voted on and adopted at the same time as the
27 instructional support program is adopted."

28 2. Title page, line 2, by striking the words
29 "programs by newly reorganized" and inserting the
30 following: "and educational performance programs by".

By BARTZ of Worth
BROWN of Lucas

H-5555 FILED MARCH 26, 1992

WITHDRAWN

SENATE FILE 2238

H-5609

1 Amend the amendment, H-5555, to Senate File 2238,
2 as passed by the Senate, as follows:

3 1. Page 1, by striking line 45.

4 2. Page 1, by striking lines 48 and 49, and
5 inserting the following: "surtax."

6 3. By striking page 1, line 50, through page 2,
7 line 3, and inserting the following: "Subject to the
8 limitation in section 298.14, the board shall
9 determine the percent of".

10 4. Page 2, line 7, by inserting before the word
11 "educational" the following: "combination".

12 5. Page 2, by striking lines 8 and 9 and
13 inserting the following: "be levied and".

14 6. Page 2, lines 13 and 14, by striking the words
15 ", if an income surtax is imposed,".

By MAULSBY of Calhoun

H-5609 FILED MARCH 30, 1992

Closed etc

SENATE FILE 2238

H-5622

1 Amend Senate File 2238, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 25, the
4 following:

5 "Sec. ____ . NEW SECTION. 275.25A ELECTION OF
6 DIRECTORS ALTERNATIVE.

-7 1. As an alternative to the methods specified in
8 sections 275.25 and 275.41 for electing directors in a
9 newly formed community school district, if only two
10 districts merge, the procedure specified in this
11 section may be used.

12 2. The members of the boards of directors of the
13 two districts who reside within the boundaries of the
14 newly formed district shall be the members of the
15 interim board of the newly formed district. The
16 members of the interim board shall serve terms which
17 expire on the date of the organizational meeting of
18 the new board of the reorganized district which shall
19 occur as provided under subsection 3. The interim
20 board of the newly formed district shall organize
21 within fifteen days after the approval of the merger
22 upon the call of the area education agency
23 administrator. The interim board shall have control
24 of the employment of all personnel for the newly
25 formed district for the ensuing school year. The
26 interim board shall also have the authority to
27 establish policy, organize curriculum, enter into
28 contracts, and complete any planning and take any
29 action necessary for the efficient management of the
30 newly formed school district. The interim board of
31 the newly formed district shall appoint an acting
32 superintendent and an acting board secretary. The
33 appointment of the acting superintendent shall not be
34 subject to the continuing contract provision of
35 sections 279.20, 279.23, and 279.24.

36 3. The members of the new board of the reorganized
37 district shall be elected, at either a special or the
38 next regular school election that occurs one year
39 after the effective date of the reorganization.
40 Elections shall be held in the manner provided in
41 section 275.25, except that, for purposes of
42 determining when elections for successors to the
43 members of the new board are to take place, the date
44 which marks the one-year anniversary of the effective
45 date of the reorganization of a district which uses
46 the alternative method for election of the board of
47 directors provided under this section shall be used
48 instead of the actual effective date of the
49 reorganization."

50 2. Title page, line 3, by inserting after the

H-5622

H-5622

Page 2

- 1 word "districts" the following: "and to permit an
- 2 alternative to the methods for electing directors of
- 3 newly formed school districts if only two districts
- 4 merge".
- 5 3. By renumbering as necessary.

By MAULSBY of Calhoun

H-5622 FILED MARCH 31, 1992

Revised not germane 4/21 (p. 1675)
File completed,
Law (p. 1675)

SENATE FILE 2238

H-5635

- 1 Amend Senate File 2238, as passed by the Senate, as
- 2 follows:

- 3 1. Page 1, line 14, by striking the word
- 4 "paragraph" and inserting the following:
- 5 "paragraphs".

- 6 2. Page 1, by inserting after line 25 the
- 7 following:

8 "NEW UNNUMBERED PARAGRAPH. Notwithstanding the
9 requirement in the first unnumbered paragraph of this
10 section that the regular program district cost per
11 pupil for a budget year is one hundred ten percent of
12 the regular state cost per pupil, the board of
13 directors may participate in the educational
14 improvement program as provided in this section if the
15 school district had adopted an enrichment levy of
16 fifteen percent of the state cost per pupil multiplied
17 by the budget enrollment in the district prior to July
18 1, 1992, and upon expiration of the period for which
19 the enrichment levy was adopted, adopts a resolution
20 for the use of the instructional support program
21 established in section 257.18. The maximum percent of
22 the regular district cost of the district that may be
23 used under this paragraph shall not exceed five
24 percent."

By GRONINGA of Cerro Gordo

H-5635 FILED MARCH 31, 1992

WITHDRAWN

SENATE FILE 2238

H-5611

- 1 Amend Senate File 2238, as passed by the Senate, as
- 2 follows:

- 3 1. Page 1, line 14, by striking the word
- 4 "paragraph" and inserting the following:
- 5 "paragraphs".

- 6 2. Page 1, by inserting after line 25 the
- 7 following:

8 "NEW UNNUMBERED PARAGRAPH. Notwithstanding the
9 requirement in the first unnumbered paragraph of this
10 section that the regular program district cost per
11 pupil for a budget year is one hundred ten percent of
12 the regular state cost per pupil, the board of
13 directors may participate in the educational
14 improvement program as provided in this section if the
15 school district had adopted the maximum enrichment
16 levy prior to July 1, 1992, and upon expiration of the
17 period for which the enrichment levy was adopted,
18 adopts a resolution for the use of the instructional
19 support program established in section 257.18. The
20 maximum percent of the regular district cost of the
21 district that may be used under this paragraph shall
22 not exceed five percent."

By GRONINGA of Cerro Gordo

H-5611 FILED MARCH 31, 1992

WITHDRAWN

SENATE FILE 2238

H-5665

1 Amend Senate File 2238, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 "Sec. ____ . Section 257.28, Code 1991, is amended
6 by adding the following new unnumbered paragraphs:
7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
8 requirement in the first unnumbered paragraph of
9 section 257.29 that the regular program district cost
10 per pupil for a budget year is one hundred ten percent
11 of the regular state cost per pupil, if a school
12 district had adopted an enrichment levy of fifteen
13 percent of the state cost per pupil multiplied by the
14 budget enrollment in the district prior to July 1,
15 1992, and upon expiration of the period for which the
16 enrichment levy was adopted, adopts a resolution for
17 the use of the instructional support program
18 established in section 257.18, the board of directors
19 may participate in the educational improvement program
20 as provided in section 257.29. The maximum percent of
21 the regular district cost of the district that may be
22 used under this paragraph shall not exceed five
23 percent.

24 NEW UNNUMBERED PARAGRAPH. Once approved at an
25 election, the authority of the board to use the
26 educational improvement program shall continue until
27 the expiration of the period of time for which the
28 instructional support program was adopted. The use of
29 the educational improvement program may continue for
30 subsequent periods provided it is voted on and adopted
31 at the same time as the instructional support program
32 is adopted."

By BARTZ of Worth

H-5665 FILED APRIL 2, 1992

WITHDRAWN

SENATE FILE 2238

H-5807

1 Amend amendment, H-5761, to Senate File 2238, as
2 passed by the Senate, as follows:

3 1. Page 1, line 38, by inserting after the word
4 "if" the following: "the board determines that the
5 program should be funded through a combination of an
6 educational performance property tax and an
7 educational performance income surtax and".

By MAULSBY of Calhoun

H-5807 FILED APRIL 8, 1992

Class o/c

MAULSBY

SENATE FILE 2238

H-5761

1 Amend Senate File 2238, as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 257.18, Code 1991, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 3. Participation in an
7 instructional support program is not affected by a
8 change in the boundaries of the school district,
9 except as otherwise provided in this section. If each
10 school district involved in a school reorganization
11 under chapter 275 has approved an instructional
12 support program, and if the voters have not voted upon
13 the question of participation in the program in the
14 reorganized district, the instructional support
15 program shall be in effect for the reorganized
16 district that has been approved for the least amount
17 and the shortest time in any of the districts.

18 Sec. 2. Section 257.29, Code 1991, is amended by
19 adding the following new unnumbered paragraphs:

20 NEW UNNUMBERED PARAGRAPH. Participation in an
21 educational improvement program is not affected by a
22 change in the boundaries of the school district,
23 except as otherwise provided in this section. If each
24 school district involved in school reorganization
25 under chapter 275 has approved an educational
26 improvement program, and if the voters have not voted
27 upon the question of participation in the program in
28 the reorganized district, the educational improvement
29 program shall be in effect for the reorganized
30 district that has been approved for the least amount
31 and the shortest time in any of the districts.

32 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
33 requirement in the first unnumbered paragraph of this
34 section that the regular program district cost per
35 pupil for a budget year is one hundred ten percent of
36 the regular state cost per pupil, the board of
37 directors may participate in the educational
38 improvement program as provided in this section if the
39 school district had adopted an enrichment levy of
40 fifteen percent of the state cost per pupil multiplied
41 by the budget enrollment in the district prior to July
42 1, 1992, and upon expiration of the period for which
43 the enrichment levy was adopted, adopts a resolution
44 for the use of the instructional support program
45 established in section 257.18. The maximum percent of
46 the regular district cost of the district that may be
47 used under this paragraph shall not exceed five
48 percent."

By SHOULTZ of Black Hawk

H-5761 FILED APRIL 7, 1992

WITHDRAWN

H-5806

1 Amend amendment, H-5761, to Senate File 2238, as
2 passed by the Senate, as follows:

3 1. Page 1, by inserting after line 48, the
4 following:

5 "Sec. . . . NEW SECTION. 275.25A ELECTION OF
6 DIRECTORS ALTERNATIVE.

7 1. As an alternative to the methods specified in
8 sections 275.25 and 275.41 for electing directors in a
9 newly formed community school district, if only two
10 districts merge, the procedure specified in this
11 section may be used.

12 2. The members of the boards of directors of the
13 two districts who reside within the boundaries of the
14 newly formed district shall be the members of the
15 interim board of the newly formed district. The
16 members of the interim board shall serve terms which
17 expire on the date of the organizational meeting of
18 the new board of the reorganized district which shall
19 occur as provided under subsection 3. The interim
20 board of the newly formed district shall organize
21 within fifteen days after the approval of the merger
22 upon the call of the area education agency
23 administrator. The interim board shall have control
24 of the employment of all personnel for the newly
25 formed district for the ensuing school year. The
26 interim board shall also have the authority to
27 establish policy, organize curriculum, enter into
28 contracts, and complete any planning and take any
29 action necessary for the efficient management of the
30 newly formed school district. The interim board of
31 the newly formed district shall appoint an acting
32 superintendent and an acting board secretary. The
33 appointment of the acting superintendent shall not be
34 subject to the continuing contract provision of
35 sections 279.20, 279.23, and 279.24.

36 3. The members of the new board of the reorganized
37 district shall be elected, at either a special or the
38 next regular school election that occurs one year
39 after the effective date of the reorganization.
40 Elections shall be held in the manner provided in
41 section 275.25, except that, for purposes of
42 determining when elections for successors to the
43 members of the new board are to take place, the date
44 which marks the one-year anniversary of the effective
45 date of the reorganization of a district which uses
46 the alternative method for election of the board of
47 directors provided under this section shall be used
48 instead of the actual effective date of the
49 reorganization."

50 Title page, line 3, by inserting after the

H-5806

-1-

H-5806

Page 2

1 word "districts" the following: "and to permit an
2 alternative to the methods for electing directors of
3 newly formed school districts if only two districts
4 merge"."

5 2. By renumbering as necessary.

By MAULSBY of Calhoun

H-5806 FILED APRIL 8, 1992

Placed o/o

KIBBIE, CH.
CONNOLLY
RENSINK

SSB 2227
EDUCATION

Now

SENATE FILE *2238*
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY CHAIR-
PERSON CONNOLLY)

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

A BILL FOR

1 An Act to permit the participation in the instructional support
2 and educational improvement programs by newly reorganized
3 school districts.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. _____ H.F. _____

1 Section 1. Section 257.18, Code 1991, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. Participation in an instructional
4 support program is not affected by a change in the boundaries
5 of the school district, except as otherwise provided in this
6 section. If each school district involved in a school
7 reorganization under chapter 275 is participating in an
8 instructional support program, and if the voters have not
9 voted upon the question of participation in the program in the
10 reorganized district, the existing instructional support
11 program shall be in effect for the reorganized district that
12 is in effect for the least amount and the shortest time in any
13 of the districts.

14 Sec. 2. Section 257.29, Code 1991, is amended by adding
15 the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. Participation in an educational
17 improvement program is not affected by a change in the
18 boundaries of the school district, except as otherwise
19 provided in this section. If each school district involved in
20 school reorganization under chapter 275 is participating in an
21 educational improvement program, and if the voters have not
22 voted upon the question of participation in the program in the
23 reorganized district, the existing educational improvement
24 program shall be in effect for the reorganized district that
25 is in effect for the least amount and the shortest time in any
26 of the districts.

27 EXPLANATION

28 This bill provides that districts' participation in the
29 instructional support or educational improvement programs is
30 not affected by district reorganization under chapter 275.
31 However, if the districts involved in the reorganization
32 already are participating in either program then the program
33 which is in effect in one of the former school districts for
34 the least amount and the shortest period of time is to be in
35 effect in the reorganized school district.

SENATE FILE 2238

approved for the least amount and the shortest time in any of the districts.

AN ACT

TO PERMIT THE PARTICIPATION IN THE INSTRUCTIONAL SUPPORT AND EDUCATIONAL IMPROVEMENT PROGRAMS BY NEWLY REORGANIZED SCHOOL DISTRICTS.

MICHAEL E. GRONSTAL
President of the Senate

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

ROBERT C. ARNOULD
Speaker of the House

Section 1. Section 257.18, Code 1991, is amended by adding the following new subsection:

I hereby certify that this bill originated in the Senate and is known as Senate File 2238, Seventy-fourth General Assembly.

NEW SUBSECTION. 3. Participation in an instructional support program is not affected by a change in the boundaries of the school district, except as otherwise provided in this section. If each school district involved in a school reorganization under chapter 275 has approved an instructional support program, and if the voters have not voted upon the question of participation in the program in the reorganized district, the instructional support program shall be in effect for the reorganized district that has been approved for the least amount and the shortest time in any of the districts.

JOHN F. DWYER
Secretary of the Senate

Approved *April 28*, 1992

Sec. 2. Section 257.29, Code 1991, is amended by adding the following new unnumbered paragraph:

TERRY E. BRANSTAD
Governor

NEW UNNUMBERED PARAGRAPH. Participation in an educational improvement program is not affected by a change in the boundaries of the school district, except as otherwise provided in this section. If each school district involved in school reorganization under chapter 275 has approved an educational improvement program, and if the voters have not voted upon the question of participation in the program in the reorganized district, the educational improvement program shall be in effect for the reorganized district that has been