

Reprinted

MAR 8 1988

Place On Calendar

HOUSE FILE 2419

BY COMMITTEE ON EDUCATION

(Formerly House Study Bill 810)

Passed House, Date 3/1/88 (p. 1410)

Passed Senate, Date 4/11/88 (P. 1410)

Vote: Ayes 91 Nays 0

Vote: Ayes 45 Nays 0

Approved May 16, 1988

A BILL FOR

1 An Act relating to initiating and effecting whole-grade sharing
2 agreements.

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

REQUESTED BY REPRESENTATIVE OLLIE

In compliance with a written request received March 7, 1988, a fiscal note for HOUSE FILE 2419 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2419 makes several provisions related to whole-grade sharing agreements between school districts. It requires the Department of Education or the area education agencies (AEAs) to conduct a feasibility study prior to the adoption of a whole-grade sharing agreement between school districts. In order to be eligible for additional weighting for the shared program, the school districts must conform to the recommendations of the study. The proposal also changes the minimum amount of tuition paid by the sending district to the receiving district in a one-way whole-grade sharing agreement from one-half of the district cost per pupil of the sending district to the full amount of the district cost per pupil of the sending district.

Fiscal Effect:

The proposal would have no net impact to the general fund of the State nor to property taxes. There would, however, be a shift in funds across school districts. Currently, sixteen districts are involved with one-way sharing. There would also be additional costs associated with the requirement for feasibility studies, in that either the Department of Education or the AEAs would need additional staff and resources to meet this requirement. An estimate of these additional costs has not been determined.

Sources: Department of Education
Department of Management

(LSA 8Q86H, TLJ)

APPROVED MARCH 16, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

HF 2419

1 Section 1. Section 256.9, Code Supplement 1987, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 31. Conduct or direct the area education
4 agency to conduct feasibility surveys and studies regarding
5 proposed whole-grade sharing agreements. The studies must
6 include a cover page containing recommendations and a short
7 explanation of the recommendations. The factors to be used in
8 determining the recommendations include, but are not limited
9 to:

- 10 a. The possibility of long-term survival of the proposed
- 11 alliance.
- 12 b. The adequacy of educational programs.
- 13 c. The financial strength of the new alliance.
- 14 d. Geographical considerations.
- 15 e. The impact of the alliance on surrounding schools.

16 Sec. 2. Section 282.7, Code Supplement 1987, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 3. In order for an agreement negotiated
19 under subsections 1 and 2 of this section to qualify for the
20 incentives specified in section 442.39, a district must first
21 meet the following requirements:

- 22 a. A feasibility study must have been requested and
- 23 completed by the department of education or the area education
- 24 agency regarding the proposed sharing agreement.
- 25 b. The agreement must conform to the recommendations set
- 26 out in the feasibility study.

27 Sec. 3. Section 282.11, Code Supplement 1987, is amended
28 to read as follows:

29 282.11 PROCEDURE.

30 Not less than thirty days prior to signing a whole-grade
31 whole-grade sharing agreement whereby all or a substantial
32 portion of the pupils in a grade in the district will attend
33 school in another district, the board of directors of each
34 school district that is a party to a proposed sharing
35 agreement shall hold a public hearing at which the proposed

1 agreement is described, and at which the parent or guardian of
2 an affected pupil shall have an opportunity to comment on the
3 proposed agreement. ~~Within-the-thirty-day-period-prior-to-the~~
4 ~~signing-of-the-agreement,~~ The board of directors may allow the
5 parent or guardian on behalf of the affected pupil the option
6 of not sending the pupil to the district specified in the
7 agreement. If this option is not given, the parent or
8 guardian of an affected pupil may appeal the sending of that
9 pupil to the school district specified in the agreement,
10 within the thirty-day period prior to the signing of the
11 agreement, to the state board of education. A parent or
12 guardian may appeal on the basis that sending the pupil to
13 school in the district specified in the agreement will not
14 meet the educational program needs of the pupil, or the school
15 in the school district to which the pupil will be sent is not
16 appropriate because consideration was not given to
17 geographical factors. An appeal shall specify a contiguous
18 school district to which the parent or guardian wishes to send
19 the affected pupil. If the parent or guardian appeals, the
20 standard of review of the appeal is clear and convincing
21 evidence that the parent parent's or guardian's hardship
22 outweighs the benefits and integrity of the sharing agreement.
23 The state board may require the district of residence to pay
24 tuition to the contiguous school district specified by the
25 parent or guardian, or may deny the appeal by the parent or
26 guardian. If the state board requires the district of
27 residence to pay tuition to the contiguous school district
28 specified by the parent or guardian, the tuition shall be
29 equal to the tuition established in the sharing agreement.
30 The decision of the state board is binding on the boards of
31 directors of the school districts affected, except that the
32 decision of the state board may be appealed by either party to
33 the district court.

34 Sec. 4. Section 282.12, subsection 2, Code Supplement
35 1987, is amended to read as follows:

1 2. For one-way sharing, the sending district shall pay no
2 less than ~~one-half-of~~ the district cost per pupil of the
3 sending district.

4 EXPLANATION

5 This bill provides for a feasibility study requirement
6 prior to the adoption of whole-grade agreements. It also
7 provides that, where an agreement does not conform to the
8 recommendations made in the study, the agreement shall not be
9 eligible for certain financial incentives. One-way whole-
10 grade sharing costs are raised to per pupil costs from one-
11 half of per pupil costs. Also, the local board is
12 specifically granted authority to allow the parent or guardian
13 of a pupil affected by the agreement to opt out of the
14 proposed agreement and sent the pupil to another contiguous
15 district.

16 SUCCESSOR TO HSB 810 (LSB 8086HC)

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HOUSE FILE 2419

H-5410

- 1 Amend House File 2419 as follows:
- 2 1. Page 1, by striking lines 16 through 26.
- 3 2. By renumbering as necessary.

H-5410 FILED MARCH 9, 1988 BY DAGGETT of Adams

Classified 2/10 2/21 (p. 778)

HOUSE FILE 2419

H-5521

- 1 Amend House File 2419 as follows:
- 2 1. Page 3, by inserting after line 3 the
- 3 following:
- 4 "Sec. ____ . Section 442.2, subsection 1, unnumbered
- 5 paragraph 2, Code 1987, is amended to read as follows:
- 6 However, commencing with the budget year beginning
- 7 July 1, 1987, and ending July 1, 1990, a reorganized
- 8 school district shall cause a foundation property tax
- 9 of four dollars and forty cents per thousand dollars
- 10 of assessed valuation to be levied on all taxable
- 11 property which, in the year preceding the
- 12 reorganization, was within a school district affected
- 13 by the reorganization as defined in section 275.1 and
- 14 which had a certified enrollment of less than six
- 15 hundred. In succeeding school years, the foundation
- 16 property tax levy on that portion shall be increased
- 17 twenty cents per year until it reaches the rate of
- 18 five dollars and forty cents per thousand dollars of
- 19 assessed valuation.
- 20 Sec. 6. Sections 442.9A and 442.39A, Code 1987,
- 21 are repealed.
- 22 Sec. 7. Section 442.39, Code Supplement 1987, is
- 23 repealed.
- 24 Sec. 8. Sections 6 through 8 of this Act take
- 25 effect July 1, 1990."
- 26 2. Title page, line 2, by inserting after the
- 27 word "agreements" the following: "and repealing the
- 28 incentives for sharing and reorganization plans
- 29 effective on a certain date".

H-5521 FILED MARCH 11, 1988 BY CORBETT of Linn

Classified 2/10 2/21 (p. 978)

HOUSE FILE 2419

H-5649

1 Amend amendment H-5611 to House File 2419 as
2 follows:

3 1. Page 5, by inserting after line 46 the
4 following:

5 "Sec. ____ . Section 442.2, subsection 1, unnumbered
6 paragraph 2, Code 1987, is amended to read as follows:

7 However, commencing with the budget year beginning
8 July 1, 1987, and ending July 1, 1990, a reorganized
9 school district shall cause a foundation property tax
10 of four dollars and forty cents per thousand dollars
11 of assessed valuation to be levied on all taxable
12 property which, in the year preceding the
13 reorganization, was within a school district affected
14 by the reorganization as defined in section 275.1 and
15 which had a certified enrollment of less than six
16 hundred. In succeeding school years, the foundation
17 property tax levy on that portion shall be increased
18 twenty cents per year until it reaches the rate of
19 five dollars and forty cents per thousand dollars of
20 assessed valuation.

21 Sec. 6. Sections 442.9A and 442.39A, Code 1987,
22 are repealed.

23 Sec. 7. Section 442.39, Code Supplement 1987, is
24 repealed.

25 Sec. 8. Sections 6 through 8 of this Act take
26 effect July 1, 1990."

27 2. Title page, line 2, by inserting after the
28 word "agreements" the following: "and repealing the
29 incentives for sharing and reorganization plans
30 effective on a certain date".

H-5649 FILED MARCH 16, 1988 BY CORPETTE OF LINN
W/D 3/21 (p. 978)

HOUSE FILE 2419

H-5611

1 Amend House File 2419 as follows:

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

4 "Section 1. Section 256.9, Code Supplement 1987,
5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 31. Conduct or direct the area
7 education agency to conduct feasibility surveys and
8 studies of the school districts within the area
9 education agency service areas and all adjacent
10 territory for the purpose of evaluating and
11 recommending proposed whole-grade sharing agreements
12 under section 282.7 and section 282.10, subsections 1
13 and 4. The surveys and studies shall be revised
14 periodically to reflect reorganizations which may have
15 taken place in the area education agency and adjacent
16 territory. The surveys and studies shall include a
17 cover page containing recommendations and a short
18 explanation of the recommendations. The factors to be
19 used in determining the recommendations include, but
20 are not limited to:

21 a. The possibility of long-term survival of the
22 proposed alliance.

23 b. The adequacy of the proposed educational
24 programs versus the educational opportunities offered
25 through a different alliance.

26 c. The financial strength of the new alliance.

27 d. Geographical considerations, including but not
28 limited to, increased transportation time or cost, and
29 availability of extracurricular activities.

30 e. The impact of the alliance on surrounding
31 schools.

32 f. The factors listed in section 275.2.

33 Copies of the completed surveys and studies shall
34 be transmitted to the affected districts' school
35 boards.

36 Sec. 2. NEW SECTION. 275.61 MULTIDISTRICT
37 PERSONNEL SHARING AGREEMENTS.

38 If two or more school districts enter into an
39 agreement for whole-grade sharing of students, the
40 sharing agreement must meet the following
41 requirements:

42 1. The agreement must be multidistrict in scope,
43 be in writing, and be developed and executed pursuant
44 to chapter 28E.

45 2. The agreement must be executed no later than
46 November 30 of the calendar year immediately preceding
47 the school year when the agreement is to take effect.

48 3. The sharing agreement shall establish a single
49 multidistrict employer to administer employment under
50 the sharing agreement. Administrative authority shall

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1 be transferred to the multidistrict employer on the
2 date of execution of the agreement.

3 If any one of the sharing districts is a party to a
4 collective bargaining agreement, a single
5 multiemployer bargaining unit shall be created by the
6 execution of the sharing agreement. The sharing
7 districts may establish rules governing their
8 relationship as a multidistrict employer in the
9 sharing agreement. The rules shall comply with this
10 section, section 275.62, and section 275.63.

11 Sec. 3. NEW SECTION. 275.62 CONTRACTS WITH
12 PERSONNEL.

13 1. The terms of employment of personnel shall not
14 be altered by the sharing agreement. Alterations in
15 employment terms or contracts may be made pursuant to
16 chapter 279 or the base collective bargaining
17 agreement. Authority to offer employment, issue new
18 employment contracts, or continue, modify, or
19 terminate existing employment contracts, shall be held
20 by the multidistrict employer.

21 2. The collective bargaining agreement of the
22 contracting district with the largest basic enrollment
23 as defined by section 442.4 shall serve as the base
24 agreement for a multidistrict bargaining unit. The
25 employees of the other sharing districts shall be
26 immediately accreted to the largest bargaining unit on
27 the date the sharing agreement is executed, for
28 purposes of negotiating the contracts for the
29 following years, without further action by the public
30 employment relations board. If only one of the
31 sharing districts has a collective bargaining
32 agreement in effect at the time the sharing agreement
33 is negotiated, that collective bargaining agreement
34 shall serve as the base agreement. The employees of
35 the other districts shall be immediately accreted to
36 the bargaining unit of that collective bargaining
37 agreement, provided that a majority of the employees
38 of the nonbargaining districts and a majority of the
39 employees of the collective bargaining district vote
40 in favor of the accretion.

41 The multidistrict employer shall bargain with the
42 combined employees of the existing districts or the
43 multidistrict bargaining unit during the school year
44 immediately following the effective date of the
45 sharing agreement. Impasse procedures under sections
46 20.19 through 20.22 shall be available during the
47 negotiations. The bargaining shall be completed by
48 March 15 of the calendar year following the effective
49 date of the sharing agreement, or within one hundred
50 eighty days after the effective date of the sharing

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1 agreement, whichever date is later. If the bargaining
 2 agreement was already concluded by the board and
 3 employees of an existing district, which was to serve
 4 as the base agreement for the school year following
 5 the effective date of the sharing agreement, that base
 6 agreement is void unless it contains multiyear
 7 provisions affecting school years following the
 8 effective date of the agreement. If the base
 9 agreement contains multiyear provisions, the base
 10 agreement shall remain in effect.

11 Sec. 4. NEW SECTION. 275.63 TERMINATION OF
 12 BARGAINING UNIT.

13 If a sharing agreement is terminated, the
 14 multiemployer bargaining unit will terminate effective
 15 upon the expiration of the collective bargaining
 16 agreement that is in effect when the sharing agreement
 17 ends. The multidistrict employer shall notify the
 18 agent for the multidistrict bargaining unit of an
 19 intent to terminate sharing agreement. Notice shall
 20 be given no later than September 1 of the calendar
 21 year proceeding the effective termination date of the
 22 sharing agreement. Upon termination of the
 23 multiemployer bargaining unit, the bargaining units
 24 that were in existence on the effective date of the
 25 sharing agreement shall be restored.

26 New separate collective bargaining agreements may
 27 be negotiated, during the year interim period, for the
 28 school year following the termination of the sharing
 29 agreement.

30 Sec. 5. NEW SECTION. 275.64 DEFINITION.

31 For purposes of implementing sections 275.61
 32 through 275.63 in relation to chapter 20, and sections
 33 279.12 through 279.19B and 279.27, "board" or "board
 34 of directors" means the board of a multidistrict
 35 employer.

36 Sec. 6. Section 282.7, subsection 1, Code
 37 Supplement 1987, is amended by adding the following
 38 new unnumbered paragraph:

39 NEW UNNUMBERED PARAGRAPH. A board of directors
 40 negotiating, extending, or renewing an agreement for
 41 attendance of pupils in the schools of one or more
 42 contiguous school districts under this section, shall
 43 publicly announce the terms of the agreement under
 44 section 21.4, subsection 1, no later than one hundred
 45 eighty days before the signing of the agreement.

46 Sec. 7. Section 282.7, Code Supplement 1987, is
 47 amended by adding the following new subsection:

48 NEW SUBSECTION. 3. Within thirty days of the
 49 board's public notice, a petition may be filed with
 50 the department of education requesting that a

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1 feasibility study be completed. The petition must be
2 signed by not less than twenty percent of the eligible
3 electors in the district. Objections to the completed
4 study may be made by filing a written objection to the
5 results with the department of education. The
6 objections must state the specific recommendations
7 objected to and reasons why the objector feels that
8 the recommendation is invalid.

9 Sec. 8. Section 282.11, Code Supplement 1987, is
10 amended to read as follows:

11 282.11 PROCEDURE.

12 Not less more than thirty ninety days prior to
13 signing-a-whole-grade after the board's public notice
14 of a whole-grade sharing agreement whereby all or a
15 substantial portion of the pupils in a grade in the
16 district will attend school in another district, the
17 board of directors of each school district that is a
18 party to a proposed sharing agreement shall hold a
19 public hearing at which the proposed agreement is
20 described, and at which the parent or guardian of an
21 affected pupil shall have an opportunity to comment on
22 the proposed agreement. Within ninety days of the
23 board's public notice of a sharing agreement, the
24 parent or guardian of an affected pupil may apply to
25 the board of directors for permission not to send the
26 pupil to the district specified in the agreement. The
27 board shall disallow a request no later than thirty
28 days prior to the signing of the agreement, or the
29 request shall be deemed granted. When the board
30 disallows a request, the board shall indicate the
31 reasons why the request is being disallowed. The
32 criteria used by the board to determine whether a
33 request should be disallowed shall include, but are
34 not limited to, whether there is a preponderance of
35 evidence that the parent's or guardian's hardship
36 outweighs the benefits and integrity of the sharing
37 agreement. Requests to the school board shall be
38 based upon one of the following:

39 1. That the agreement will not meet the
40 educational program needs of the pupil.

41 2. That geographical factors, including but not
42 limited to, increased transportation costs or time and
43 availability of extracurricular activities within
44 boundaries of the agreement, will cause a hardship for
45 the pupil.

46 The request shall specify a contiguous school district
47 to which the parent or guardian wishes to send the
48 affected pupil. Within the thirty-day period prior to
49 the signing of the agreement, the parent or guardian
50 of an affected pupil may appeal the sending of that

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1 pupil to the school district specified in the
 2 agreement, to the state board of education. A-parent
 3 or-guardian-may-appeal-on-the-basis-that-sending-the
 4 pupil-to-school-in-the-district-specified-in-the
 5 agreement-will-not-meet-the-educational-program-needs
 6 of-the-pupil,-or-the-school-in-the-school-district-to
 7 which-the-pupil-will-be-sent-is-not-appropriate
 8 because-consideration-was-not-given-to-geographical
 9 factors.--An-appeal-shall-specify-a-contiguous-school
 10 district-to-which-the-parent-or-guardian-wishes-to
 11 send-the-affected-pupil; The basis for appeal shall be
 12 the same as the basis for the request to the board.
 13 If the parent or guardian appeals and the district did
 14 not follow the recommendations contained in the
 15 feasibility study, or a study was not done, the appeal
 16 is de novo and the standard of review of the appeal is
 17 clear-and-convincing a preponderance of evidence that
 18 the parent parent's or guardian's hardship outweighs
 19 the benefits and integrity of the sharing agreement.
 20 If the district followed the recommendations contained
 21 in the feasibility study, however, the standard of
 22 review is a preponderance of evidence that the
 23 district board abused its discretion in disallowing
 24 the request. The state board may require the district
 25 of residence to pay tuition to the contiguous school
 26 district specified by the parent or guardian, or may
 27 deny the appeal by the parent or guardian. If the
 28 state board requires the district of residence to pay
 29 tuition to the contiguous school district specified by
 30 the parent or guardian, the tuition shall be equal to
 31 the tuition-established-in-the-sharing-agreement
 32 receiving district's cost per pupil, less
 33 transportation costs, unless the receiving district
 34 provides transportation. If the receiving district
 35 provides transportation, transportation costs shall be
 36 included as part of the per pupil costs. The decision
 37 of the state board is binding on the boards of
 38 directors of the school districts affected, except
 39 that the decision of the state board may be appealed
 40 by either party to the district court.

41 Sec. 9. Section 290.1, Code Supplement 1987, is
 42 amended by adding the following new unnumbered
 43 paragraph:

44 NEW UNNUMBERED PARAGRAPH. For purposes of section
 45 282.11, a "person aggrieved" or "party aggrieved"
 46 means the "parent or guardian of an affected pupil".

47 Sec. 10. Section 442.39, subsection 2, Code
 48 Supplement 1987, is amended to read as follows:

49 2. Pupils attending classes in another school
 50 district or an area school, attending classes taught

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1 by a teacher who is employed jointly under section
2 280.15, or attending classes taught by a teacher who
3 is employed by another school district, are assigned a
4 weighting of one plus five-tenths times the percent of
5 the pupil's school day during which the pupil attends
6 classes in another district or area school, attends
7 classes taught by a teacher who is jointly employed
8 under section 280.15, or attends classes taught by a
9 teacher who is employed by another school district if
10 the school budget review committee certifies to the
11 department of management that the shared classes or
12 teachers would otherwise not be implemented without
13 the assignment of additional weighting. However, in
14 lieu of the additional weighting of five-tenths, the
15 school budget review committee shall assign an
16 additional weighting of one-tenth times the percent of
17 the pupil's school day in which a pupil attends
18 classes in another district or an area school, attends
19 classes taught by a teacher who is employed jointly
20 under section 280.15, or attends classes taught by a
21 teacher who is employed by another district, in
22 districts that have a substantial number of students
23 in any of grades seven through twelve sharing more
24 than one class or teacher. ~~Effective July 1, 1986,~~
25 ~~the~~ The additional weighting of one-tenth may be
26 assigned by the school budget review committee to a
27 district for a maximum of five years, and thereafter,
28 the additional weighting shall not be assigned to the
29 same district under this section, but may be assigned
30 under section 442.39A.

31 Sec. 11. Section 442.39, subsection 4, Code
32 Supplement 1987, is amended by adding the following
33 new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988,
35 the additional weighting assigned under this
36 subsection may be assigned to a district for a maximum
37 of five years and, thereafter, the additional
38 weighting shall not be assigned to the same district
39 under this section, but may be assigned under section
40 442.39A."

41 2. Title page, line 2, by inserting after the
42 word "agreements" the following: ", setting maximum
43 incentives and providing for collective bargaining
44 agreements".

H-5611 FILED MARCH 15, 1988 BY NEUHAUSER of Johnson

*Adopted on March 15, 1988 by 57:15
(310 p. 772)*

HOUSE FILE 2419

5738

Amend the amendment H-5611 to House File 2419 as follows:

1. Page 1, by striking lines 27 through 29 and inserting the following:

"d. Geographical factors."

2. Page 1, by striking line 32.

3. By striking page 1, line 36, through page 5, line 40, and inserting the following:

"Sec. ____ . Section 282.11, Code Supplement 1987, is amended to read as follows:

282.11 PROCEDURE.

Not less than ninety days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is negotiating, extending, or renewing a sharing agreement, shall publicly announce its intent to negotiate a sharing agreement under section 21.4, subsection 1. Within thirty days of the board's public notice, a petition may be filed with the department of education requesting that a feasibility study be completed. The petition shall be signed by twenty percent of the eligible electors in the district. The director of the department of education may determine that a feasibility study conducted by the board satisfies the request, provided that the study conforms with the criteria contained in section 256.9.

Not less than thirty days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is a party to a proposed sharing agreement shall hold a public hearing at which the proposed agreement is described, and at which the parent or guardian of an affected pupil and certificated employees of the school district shall have an opportunity to comment on the proposed agreement. Within the thirty-day period prior to the signing of the agreement, the parent or guardian of an affected pupil may request the board of directors to send the pupil to another contiguous school district. The request shall be based upon one of the following:

1. That the agreement will not meet the educational program needs of the pupil.

2. That adequate consideration was not given to geographical factors.

The board shall allow or disallow the request prior to the signing of the agreement, or the request shall be deemed granted. If the board disallows the

1 request, the board shall indicate the reasons why the
2 request is disallowed and shall notify the parent or
3 guardian that the decision of the board may be
4 appealed as provided in this section.

5 If the board disallows the request of a parent or
6 guardian of an affected pupil, the parent or guardian,
7 not later than March 1, may appeal the sending of that
8 pupil to the school district specified in the
9 agreement, to the state board of education. The basis
10 for the appeal shall be the same as the basis for the
11 request to the board. A parent or guardian may appeal
12 on the basis that sending the pupil to school in the
13 district specified in the agreement will not meet the
14 educational program needs of the pupil, or the school
15 in the school district to which the pupil will be sent
16 is not appropriate because consideration was not given
17 to geographical factors. An appeal shall specify a
18 contiguous school district to which the parent or
19 guardian wishes to send the affected pupil. If the
20 parent or guardian appeals, the standard of review of
21 the appeal is clear and convincing a preponderance of
22 evidence that the parent or guardian's
23 hardship outweighs the benefits and integrity of the
24 sharing agreement. The state board may require the
25 district of residence to pay tuition to the contiguous
26 school district specified by the parent or guardian,
27 or may deny the appeal by the parent or guardian. If
28 the state board requires the district of residence to
29 pay tuition to the contiguous school district
30 specified by the parent or guardian, the tuition shall
31 be equal to the tuition established in the sharing
32 agreement. The decision of the state board is binding
33 on the boards of directors of the school districts
34 affected, except that the decision of the state board
35 may be appealed by either party to the district court.
36 Sec. ____ . Section 285.1, subsection 3, unnumbered
37 paragraph 1, Code Supplement 1987, is amended to read
38 as follows:

39 In a district where transportation by school bus is
40 impracticable, where necessary to implement a whole
41 grade sharing agreement under section 282.10, or where
42 school bus service is not available, the board may
43 require parents or guardians to furnish transportation
44 for their children to the schools designated for
45 attendance. Except as provided in section 285.3, the
46 parent or guardian shall be reimbursed for such
47 transportation service for public and nonpublic school
48 pupils by the board of the resident district in an
49 amount equal to eighty dollars plus seventy-five
50 percent of the difference between eighty dollars and

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1 the previous school year's statewide average per pupil
2 transportation cost, as determined by the department
3 of education."

4 4. By renumbering as necessary.

BY BLANSHAN of Greene
DAGGETT of Adams
H-5738 FILED MARCH 18, 1988

NEUHAUSER of Johnson
SVOBODA of Tama

Revised 3/81 (4-978)

Am. 82 2122
Amended for 5536, 5537 3/21 (9/10/11)

HOUSE FILE 2419
BY COMMITTEE ON EDUCATION

(As Amended and Passed by the House March 21, 1988)

Passed House, Date 4/12/88 (p. 1784) Passed Senate, Date 4/11/88 (p. 1410)
Vote: Ayes 95 Nays 0 Vote: Ayes 45 Nays 0
Approved May 16, 1988
Repassed Senate 4/11/88 (p. 1598)

A BILL FOR

1 An Act relating to initiating and effecting whole-grade sharing
2 agreements, setting maximum incentives and providing for
3 collective bargaining agreements.

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

House Amendments _____

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1 Section 1. Section 256.9, Code Supplement 1987, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 31. Conduct or direct the area education
4 agency to conduct feasibility surveys and studies of the
5 school districts within the area education agency service
6 areas and all adjacent territory for the purpose of evaluating
7 and recommending proposed whole-grade sharing agreements under
8 section 282.7 and section 282.10, subsections 1 and 4. The
9 surveys and studies shall be revised periodically to reflect
10 reorganizations which may have taken place in the area
11 education agency and adjacent territory. The surveys and
12 studies shall include a cover page containing recommendations
13 and a short explanation of the recommendations. The factors
14 to be used in determining the recommendations include, but are
15 not limited to:

16 a. The possibility of long-term survival of the proposed
17 alliance.

18 b. The adequacy of the proposed educational programs
19 versus the educational opportunities offered through a
20 different alliance.

21 c. The financial strength of the new alliance.

22 d. Geographical factors.

23 e. The impact of the alliance on surrounding schools.

24 Copies of the completed surveys and studies shall be
25 transmitted to the affected districts' school boards.

26 Sec. 2. Section 282.11, Code Supplement 1987, is amended
27 to read as follows:

28 282.11 PROCEDURE.

29 Not less than ninety days prior to signing a whole grade
30 sharing agreement whereby all or a substantial portion of the
31 pupils in a grade in the district will attend school in
32 another district, the board of directors of each school
33 district that is negotiating, extending, or renewing a sharing
34 agreement, shall publicly announce its intent to negotiate a
35 sharing agreement under section 21.4, subsection 1. Within

1 thirty days of the board's public notice, a petition may be
2 filed with the department of education requesting that a
3 feasibility study be completed. The petition shall be signed
4 by twenty percent of the eligible electors in the district.
5 The director of the department of education may determine that
6 a feasibility study conducted by the board satisfies the
7 request, provided that the study conforms with the criteria
8 contained in section 256.9.

9 Not less than thirty days prior to signing a whole grade
10 sharing agreement whereby all or a substantial portion of the
11 pupils in a grade in the district will attend school in
12 another district, the board of directors of each school
13 district that is a party to a proposed sharing agreement shall
14 hold a public hearing at which the proposed agreement is
15 described, and at which the parent or guardian of an affected
16 pupil and certificated employees of the school district shall
17 have an opportunity to comment on the proposed agreement.
18 Within the thirty-day period prior to the signing of the
19 agreement, the parent or guardian of an affected pupil may
20 request the board of directors to send the pupil to another
21 contiguous school district. The request shall be based upon
22 one of the following:

23 1. That the agreement will not meet the educational
24 program needs of the pupil.

25 2. That adequate consideration was not given to
26 geographical factors.

27 The board shall allow or disallow the request prior to the
28 signing of the agreement, or the request shall be deemed
29 granted. If the board disallows the request, the board shall
30 indicate the reasons why the request is disallowed and shall
31 notify the parent or guardian that the decision of the board
32 may be appealed as provided in this section.

33 If the board disallows the request of a parent or guardian
34 of an affected pupil, the parent or guardian, not later than
35 March 1, may appeal the sending of that pupil to the school

1 district specified in the agreement, to the state board of
2 education. The basis for the appeal shall be the same as the
3 basis for the request to the board. A-parent-or-guardian-may
4 appeal-on-the-basis-that-sending-the-pupil-to-school-in-the
5 district-specified-in-the-agreement-will-not-meet-the
6 educational-program-needs-of-the-pupil,-or-the-school-in-the
7 school-district-to-which-the-pupil-will-be-sent-is-not
8 appropriate-because-consideration-was-not-given-to
9 geographical-factors. An appeal shall specify a contiguous
10 school district to which the parent or guardian wishes to send
11 the affected pupil. If the parent or guardian appeals, the
12 standard of review of the appeal is clear-and-convincing a
13 preponderance of evidence that the parent parent's or
14 guardian's hardship outweighs the benefits and integrity of
15 the sharing agreement. The state board may require the
16 district of residence to pay tuition to the contiguous school
17 district specified by the parent or guardian, or may deny the
18 appeal by the parent or guardian. If the state board requires
19 the district of residence to pay tuition to the contiguous
20 school district specified by the parent or guardian, the
21 tuition shall be equal to the tuition established in the
22 sharing agreement. The decision of the state board is binding
23 on the boards of directors of the school districts affected,
24 except that the decision of the state board may be appealed by
25 either party to the district court.

26 Sec. 3. Section 285.1, subsection 3, unnumbered paragraph
27 1, Code Supplement 1987, is amended to read as follows:

28 In a district where transportation by school bus is
29 impracticable, where necessary to implement a whole grade
30 sharing agreement under section 282.10, or where school bus
31 service is not available, the board may require parents or
32 guardians to furnish transportation for their children to the
33 schools designated for attendance. Except as provided in
34 section 285.3, the parent or guardian shall be reimbursed for
35 such transportation service for public and nonpublic school

1 pupils by the board of the resident district in an amount
2 equal to eighty dollars plus seventy-five percent of the
3 difference between eighty dollars and the previous school
4 year's statewide average per pupil transportation cost, as
5 determined by the department of education.

6 Sec. 4. Section 290.1, Code Supplement 1987, is amended by
7 adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. For purposes of section 282.11,
9 a "person aggrieved" or "party aggrieved" means the "parent or
10 guardian of an affected pupil."

11 Sec. 5. Section 442.39, subsection 2, Code Supplement
12 1987, is amended to read as follows:

13 2. Pupils attending classes in another school district or
14 an area school, attending classes taught by a teacher who is
15 employed jointly under section 280.15, or attending classes
16 taught by a teacher who is employed by another school
17 district, are assigned a weighting of one plus five-tenths
18 times the percent of the pupil's school day during which the
19 pupil attends classes in another district or area school,
20 attends classes taught by a teacher who is jointly employed
21 under section 280.15, or attends classes taught by a teacher
22 who is employed by another school district if the school
23 budget review committee certifies to the department of
24 management that the shared classes or teachers would otherwise
25 not be implemented without the assignment of additional
26 weighting. However, in lieu of the additional weighting of
27 five-tenths, the school budget review committee shall assign
28 an additional weighting of one-tenth times the percent of the
29 pupil's school day in which a pupil attends classes in another
30 district or an area school, attends classes taught by a
31 teacher who is employed jointly under section 280.15, or
32 attends classes taught by a teacher who is employed by another
33 district, in districts that have a substantial number of
34 students in any of grades seven through twelve sharing more
35 than one class or teacher. Effective July 17, 1986, the The

1 additional weighting of one-tenth may be assigned by the
2 school budget review committee to a district for a maximum of
3 five years, and thereafter, the additional weighting shall not
4 be assigned to the same district under this section, but may
5 be assigned under section 442.39A.

6 Sec. 6. Section 442.39, subsection 4, Code Supplement
7 1987, is amended by adding the following new unnumbered
8 paragraph:

9 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988, the
10 additional weighting assigned under this subsection may be
11 assigned to a district for a maximum of five years and,
12 thereafter, the additional weighting shall not be assigned to
13 the same district under this section, but may be assigned
14 under section 442.39A.

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HOUSE FILE 2419

H-6401

1 Amend the Senate amendment, H-6380, to House File
2 2419 as follows:

3 1. Page 4, by inserting after line 45 the fol-
4 lowing:

5 "____. Page 4, by inserting after line 10 the
6 following:

7 "Sec. ____ . Section 442.13, subsection 7, Code
8 Supplement 1987, is amended to read as follows:

9 7. The committee may authorize a district to spend
10 a reasonable and specified amount from its unexpended
11 cash balance for ~~the purpose or purposes of furnishing~~
12 either of the following purposes:

13 a. Furnishing, equipping, and contributing to the
14 construction of a new building or structure for which
15 the voters of the district have approved a bond issue
16 as provided by law or a tax as provided in chapter 278
17 and for major building repairs as defined in section
18 297.5.

19 b. The costs associated with the demolition of an
20 unused school building, or the conversion of an unused
21 school building for community use, in a school
22 district involved in a dissolution or reorganization
23 under chapter 275 which are incurred within three
24 years of the dissolution or reorganization.

25 PARAGRAPH DIVIDED. No other expenditure, including
26 but not limited to expenditures for salaries or
27 recurring costs, shall be authorized under this
28 subsection. Expenditures authorized under this
29 subsection shall not be included in allowable growth
30 or district cost, and the portion of the unexpended
31 cash balance which is authorized to be spent shall be
32 regarded as if it were miscellaneous income. Any part
33 of such the amount which is not actually spent for the
34 authorized purpose shall revert to its former status
35 as part of the unexpended cash balance."

By STROMER of Hancock
NEUHAUSER of Johnson

H-6401 FILED APRIL 12, 1988

ADOPTED (p. 1785)

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2419

S-5998

1 Amend the Senate amendment, H-6380, to House File
2 2419 as follows:
3 1. Page 4, by inserting after line 45 the fol-
4 lowing:
5 "____. Page 4, by inserting after line 10 the
6 following:
7 "Sec. ____ Section 442.13, subsection 7, Code
8 Supplement 1987, is amended to read as follows:
9 7. The committee may authorize a district to spend
10 a reasonable and specified amount from its unexpended
11 cash balance for ~~the purpose or purposes of furnishing~~
12 either of the following purposes:
13 a. Furnishing, equipping, and contributing to the
14 construction of a new building or structure for which
15 the voters of the district have approved a bond issue
16 as provided by law or a tax as provided in chapter 278
17 and for major building repairs as defined in section
18 297.5.
19 b. The costs associated with the demolition of an
20 unused school building, or the conversion of an unused
21 school building for community use, in a school
22 district involved in a dissolution or reorganization
23 under chapter 275 which are incurred within three
24 years of the dissolution or reorganization.
25 PARAGRAPH DIVIDED. No other expenditure, including
26 but not limited to expenditures for salaries or
27 recurring costs, shall be authorized under this
28 subsection. Expenditures authorized under this
29 subsection shall not be included in allowable growth
30 or district cost, and the portion of the unexpended
31 cash balance which is authorized to be spent shall be
32 regarded as if it were miscellaneous income. Any part
33 of such the amount which is not actually spent for the
34 authorized purpose shall revert to its former status
35 as part of the unexpended cash balance."

S-5998

Filed April 14, 1988 ADOPTED

RECEIVED FROM THE HOUSE

Amended by (S-5998)

SENATE AMENDMENT TO HOUSE FILE 2419

H-6380

1 Amend House File 2419, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 4, by inserting after the word
4 "studies" the following: ", if requested under
5 section 282.11,".

6 2. Page 1, line 6, by inserting after the word
7 "territory" the following: ", including but not
8 limited to contiguous districts in other states,".

9 3. Page 1, line 7, by inserting after the word
10 "agreements" the following: "requested".

11 4. Page 1, line 11, by striking the words "and
12 adjacent territory" and inserting the following: ",
13 adjacent territory, and contiguous districts in other
14 states".

15 5. Page 1, by inserting after line 25, the
16 following:

17 "Sec. _____. Section 275.1, unnumbered paragraph 1,
18 Code 1987, is amended to read as follows:

19 It is the policy of the state to encourage
20 economical and efficient school districts which will
21 ensure an equal educational opportunity to all
22 children of the state. All areas of the state shall
23 be in school districts maintaining kindergarten and
24 twelve grades. If a school district ceases to
25 maintain kindergarten and twelve grades except as
26 otherwise provided in sections section 28E.9, 280.15,
27 257-28 256.13, and 282.7, subsection 1 or subsections
28 1 and 3, or 282.8, it shall reorganize within six
29 months or the state board shall attach the school
30 district not maintaining kindergarten and twelve
31 grades to one or more adjacent districts. Voluntary
32 reorganizations under this chapter shall be commenced
33 only if the affected school districts are contiguous
34 to one another. A reorganized district shall meet the
35 requirements of section 275.3.

36 Sec. _____. Section 275.51, unnumbered paragraph 1,
37 Code 1987, is amended to read as follows:

38 As an alternative to school district reorganization
39 prescribed in this chapter, the board of directors of
40 a school district may establish a school district
41 dissolution commission to prepare a proposal of
42 dissolution of the school district and attachment of
43 all of the school district to one or more contiguous
44 school districts and to include in the proposal a
45 division of the assets and liabilities of the
46 dissolving school district. A school district
47 dissolution commission may also be established by the
48 board of directors of a school district if a
49 dissolution proposal has been prepared by eligible
50 electors who reside within the district. The proposal

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Page 2

1 must contain the names of the proposed members of the
2 commission and be accompanied by a petition which has
3 been signed by at least twenty percent of the eligible
4 electors.

5 Sec. ____ . Section 275.55, unnumbered paragraph 4,
6 Code 1987, is amended to read as follows:

7 The attachment is effective July 1 following its
8 approval. If the dissolution proposal is for the
9 dissolution of a school district with a certified
10 enrollment of fewer than six hundred, the territory
11 located in the school district that dissolved is
12 eligible, if approved by the director of the
13 department of education, for a reduction in the
14 uniform property tax levy under section 442.2,
15 subsection 1. If the director approves a reduction in
16 the uniform property tax levy as provided in this
17 section, the director shall notify the director of the
18 department of management of the reduction.

19 Sec. ____ . NEW SECTION. 275.55A ATTENDANCE IN
20 OTHER DISTRICT.

21 A pupil enrolled in ninth, tenth, or eleventh grade
22 during the school year preceding the effective date of
23 a dissolution proposal, who was a resident of the
24 school district that dissolved, may enroll in any
25 school district to which territory of the school
26 district that dissolved was attached until that
27 pupil's graduation from high school. Notwithstanding
28 section 282.24, the district of residence of the
29 pupil, determined in the dissolution proposal, shall
30 pay tuition to the school district selected by the
31 pupil in an amount not to exceed the district cost per
32 pupil of the district of residence and the school
33 district selected by the pupil shall accept that
34 tuition payment and enroll the pupil.

35 Sec. ____ . Section 282.1, Code 1987, is amended to
36 read as follows:

37 282.1 SCHOOL AGE -- NONRESIDENTS.

38 Persons between five and twenty-one years of age
39 are of school age. A board may establish and maintain
40 evening schools for residents of the corporation
41 regardless of age and for which no tuition need be
42 charged. Nonresident children shall be charged the
43 maximum tuition rate as determined in section 282.24,
44 subsection 1, with the exception that those residing
45 temporarily in a school corporation may attend school
46 in the corporation upon terms prescribed by the board,
47 and boards discontinuing grades under section 282.7,
48 subsection 1 or subsections 1 and 3, shall be charged
49 tuition as provided in section 282.24, subsection 2.

50 Sec. ____ . Section 282.7, Code Supplement 1987, is

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Page 3

1 amended by adding the following new subsection:

2 NEW SUBSECTION. 3. Notwithstanding section 282.8
3 and section 28E.9, a school district may negotiate an
4 agreement under subsection 1 for attendance of its
5 pupils in a school district located in a contiguous
6 state subject to a reciprocal agreement by the two
7 state boards in the manner provided in this
8 subsection. Prior to negotiating an agreement with
9 the school district in the contiguous state, the board
10 of directors shall file a written request with the
11 state board of education for a determination whether
12 the school district in the contiguous state meets
13 requirements substantially similar to those required
14 for accredited or approved school districts in this
15 state and the school district receives or has
16 available services equivalent to those that would be
17 provided in this state by an area education agency.
18 The school district shall also obtain approval by the
19 department of education of the sharing proposal,
20 before the agreement becomes effective. Six months
21 prior to making the request for approval, the district
22 shall request a feasibility study from the department
23 of education. If the state board of this state and
24 the corresponding state board in the contiguous state
25 agree that the school districts of their respective
26 states meet substantially similar requirements and
27 have substantially similar services available to the
28 school district, and if the Iowa department of
29 education approves the proposed contract, the two
30 state boards may sign a reciprocal agreement for
31 attendance of their pupils in the school district of
32 the other state, subject to the agreement signed
33 between the boards of directors of the two districts.
34 A school district that negotiates an agreement with a
35 school district in a contiguous state under this
36 subsection is not eligible for supplementary weighting
37 under section 442.39 as a result of that agreement.

38 Sec. _____. Section 282.10, subsection 1, Code
39 Supplement 1987, is amended to read as follows:

40 1. Whole grade sharing is a procedure used by
41 school districts whereby all or a substantial portion
42 of the pupils in any grade in two or more school
43 districts share an educational program for all or a
44 substantial portion of a school day under a written
45 agreement pursuant to section 256.13, 280.15, or
46 282.7, subsection 1 or subsections 1 and 3. Whole
47 grade sharing may either be one-way or two-way
48 sharing.

49 Sec. _____. Section 282.24, subsection 1, unnumbered
50 paragraph 1, Code Supplement 1987, is amended to read

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Page 4

1 as follows:

2 There is established a maximum tuition fee that may
3 be charged for elementary and high school students
4 residing within another school district or corporation
5 except students attending school in another district
6 under section 282.7, subsection 1 or subsections 1 and
7 3. That fee is the district cost per pupil of the
8 receiving district as computed in section 442.9,
9 subsection 1, paragraph "a".

10 6. Page 4, by inserting after line 10 the
11 following:

12 "Sec. _____. Section 442.2, subsection 1, unnumbered
13 paragraphs 2 and 3, Code 1987, are amended to read as
14 follows:

15 However, commencing with the budget year beginning
16 July 1, ~~1987~~ 1988, a reorganized school district shall
17 cause a foundation property tax of four dollars and
18 forty cents per thousand dollars of assessed valuation
19 to be levied on all taxable property which, in the
20 year preceding the a reorganization, was within a
21 school district affected by the reorganization as
22 defined in section 275.1, and which or in the year
23 preceding a dissolution was a part of a school
24 district that dissolved if the dissolution proposal
25 has been approved by the director of the department of
26 education pursuant to section 275.55. In the year
27 preceding the reorganization or dissolution, the
28 school district affected by the reorganization or the
29 school district that dissolved must have had a
30 certified enrollment of less fewer than six hundred in
31 order for the four dollar and forty cent levy to
32 apply. In succeeding school years, the foundation
33 property tax levy on that portion shall be increased
34 twenty cents per year until it reaches the rate of
35 five dollars and forty cents per thousand dollars of
36 assessed valuation.

37 For purposes of this section, a reorganized school
38 district is one which absorbed at least thirty percent
39 of the enrollment of the school district affected by a
40 reorganization or dissolved during a dissolution and
41 in which reorganization or dissolution was approved in
42 an election pursuant to sections 275.18 and 275.20 or
43 section 275.55, and will take the reorganization or
44 dissolution takes effect on or after July 1, 1986
45 1988."

46 7. Title page, line 1, by inserting after the
47 word "to" the following: "enrollment of school
48 pupils, including".

49 8. Title page, line 1, by inserting after the
50 word "effecting" the following: "school district

Page 5

1 dissolutions and".

2 9. Title page, lines 2 and 3, by striking the
3 words "and providing for collective bargaining
4 agreements".

5 10. By renumbering, relettering, or redesignating
6 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6380 FILED APRIL 11, 1988

HOUSE FILE 2419

897

1 Amend House File 2419, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 6, by inserting after the word
4 "territory" the following: ", including but not
5 limited to contiguous districts in other states,".

6 2. Page 1, line 7, by inserting after the word
7 "agreements" the following: "requested".

8 3. Page 1, line 11, by striking the words "and
9 adjacent territory" and inserting the following: ",
10 adjacent territory, and contiguous districts in other
11 states".

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

14 "Sec. ____ . Section 275.1, unnumbered paragraph 1,
15 Code 1987, is amended to read as follows:

16 It is the policy of the state to encourage
17 economical and efficient school districts which will
18 ensure an equal educational opportunity to all
19 children of the state. All areas of the state shall
20 be in school districts maintaining kindergarten and
21 twelve grades. If a school district ceases to
22 maintain kindergarten and twelve grades except as
23 otherwise provided in sections section 28E.9, 280.15,
24 257-28 256.13, and 282.7, subsection 1 or subsections
25 1 and 3, or 282.8, it shall reorganize within six
26 months or the state board shall attach the school
27 district not maintaining kindergarten and twelve
28 grades to one or more adjacent districts. Voluntary
29 reorganizations under this chapter shall be commenced
30 only if the affected school districts are contiguous
31 to one another. A reorganized district shall meet the
32 requirements of section 275.3.

33 Sec. ____ . Section 282.1, Code 1987, is amended to
34 read as follows:

35 282.1 SCHOOL AGE -- NONRESIDENTS.

36 Persons between five and twenty-one years of age
37 are of school age. A board may establish and maintain
38 evening schools for residents of the corporation
39 regardless of age and for which no tuition need be
40 charged. Nonresident children shall be charged the
41 maximum tuition rate as determined in section 282.24,
42 subsection 1, with the exception that those residing
43 temporarily in a school corporation may attend school
44 in the corporation upon terms prescribed by the board,
45 and boards discontinuing grades under section 282.7,
46 subsection 1 or subsections 1 and 3, shall be charged
47 tuition as provided in section 282.24, subsection 2.

48 Sec. ____ . Section 282.7, Code Supplement 1987, is
49 amended by adding the following new subsection:

50 NEW SUBSECTION. 3. Notwithstanding section 282.8

1 and section 28E.9, a school district may negotiate an
2 agreement under subsection 1 for attendance of its
3 pupils in a school district located in a contiguous
4 state subject to a reciprocal agreement by the two
5 state boards in the manner provided in this
6 subsection. Prior to negotiating an agreement with
7 the school district in the contiguous state, the board
8 of directors shall file a written request with the
9 state board of education for a determination whether
10 the school district in the contiguous state meets
11 requirements substantially similar to those required
12 for accredited or approved school districts in this
13 state and the school district receives or has
14 available services equivalent to those that would be
15 provided in this state by an area education agency.
16 The school district shall also obtain approval by the
17 department of education of the sharing proposal,
18 before the agreement becomes effective. Six months
19 prior to making the request for approval, the district
20 shall request a feasibility study from the department
21 of education. If the state board of this state and
22 the corresponding state board in the contiguous state
23 agree that the school districts of their respective
24 states meet substantially similar requirements and
25 have substantially similar services available to the
26 school district, and if the Iowa department of
27 education approves the proposed contract, the two
28 state boards may sign a reciprocal agreement for
29 attendance of their pupils in the school district of
30 the other state, subject to the agreement signed
31 between the boards of directors of the two districts.
32 A school district that negotiates an agreement with a
33 school district in a contiguous state under this
34 subsection is not eligible for supplementary weighting
35 under section 442.39 as a result of that agreement.

36 Sec. ____ Section 282.10, subsection 1, Code
37 Supplement 1987, is amended to read as follows:

38 1. Whole grade sharing is a procedure used by
39 school districts whereby all or a substantial portion
40 of the pupils in any grade in two or more school
41 districts share an educational program for all or a
42 substantial portion of a school day under a written
43 agreement pursuant to section 256.13, 280.15, or
44 282.7, subsection 1 or subsections 1 and 3. Whole
45 grade sharing may either be one-way or two-way
46 sharing.

47 Sec. ____ Section 282.24, subsection 1, unnumbered
48 paragraph 1, Code Supplement 1987, is amended to read
49 as follows:

50 There is established a maximum tuition fee that may
S-5897 Page 3

1 be charged for elementary and high school students
2 residing within another school district or corporation
3 except students attending school in another district
4 under section 282.7, subsection 1 or subsections 1 and
5 3. That fee is the district cost per pupil of the
6 receiving district as computed in section 442.9,
7 subsection 1, paragraph "a".

HOUSE FILE 2419

S-5701

1 Amend the amendment, S-5576, to House File 2419, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 16, by inserting after the word
5 "established" the following: "by the board of
6 directors of a school district".

S-5701

Filed March 30, 1988

BY JOY CORNING

Adopted 4/11 (p. 1410)

HOUSE FILE 2419

S-5779

1 Amend the amendment, S-5537, to House File 2419, as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, line 4, by inserting after the figure
5 "282.11," the following: "or as provided under
6 section 282.7, subsection 3, pursuant to House File
7 2190, if House File 2190 is enacted by the Seventy-
8 second General Assembly, 1988 Session".

S-5779

Filed April 5, 1988

BY DALE TIEDEN
LARRY MURPHY

Adopted 4/11 (p. 1407)

HOUSE FILE 2419

S-5536

- 1 Amend House File 2419 as follows:
- 2 1. Title page, lines 2 and 3, by striking the
- 3 words "and providing for collective bargaining
- 4 agreements".

S-5536

Filed March 24, 1988

Adopted H.R. (S. 1401)

BY COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

HOUSE FILE 2419

S-5537

- 1 Amend House File 2419 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "studies" the following: ", if requested under
- 4 section 282.11,".

S-5537

Filed March 24, 1988

Adopted H.R. (S. 1401)

BY COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

HOUSE FILE 2419

S-5690

- 1 Amend the amendment, S-5576, to House File 2419, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 28 through 32 and
- 5 inserting the following: "enrollment of fewer than
- 6 six hundred, the territory located in".
- 7 2. Page 1, line 33, by inserting after the word
- 8 "eligible" the following: ", if approved by the
- 9 director of the department of education".
- 10 3. Page 1, line 35, by inserting after the word
- 11 and figure "subsection 1." the following: "If the
- 12 director approves a reduction in the uniform property
- 13 tax levy as provided in this section, the director
- 14 shall notify the director of the department of
- 15 management of the reduction."
- 16 4. Page 2, line 16, by striking the words
- 17 "dissolution proposal" and inserting the following:
- 18 "reduction in property tax".
- 19 5. Page 2, line 17, by inserting after the word
- 20 "the" the following: "director of the".
- 21 6. Page 2, line 29, by inserting after the word
- 22 "one" the following: "which absorbed at least thirty
- 23 percent of the enrollment of the school district
- 24 affected by a reorganization or dissolved during a
- 25 dissolution and".

S-5690

Filed March 30, 1988

Adopted H.R. (S. 1401)

BY LARRY MURPHY

HOUSE FILE 2419

5576

1 Amend House File 2419, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ . Section 275.51, unnumbered paragraph 1,
6 Code 1987, is amended to read as follows:

7 As an alternative to school district reorganization
8 prescribed in this chapter, the board of directors of
9 a school district may establish a school district
10 dissolution commission to prepare a proposal of
11 dissolution of the school district and attachment of
12 all of the school district to one or more contiguous
13 school districts and to include in the proposal a
14 division of the assets and liabilities of the
15 dissolving school district. A school district
16 dissolution commission may also be established if a
17 dissolution proposal has been prepared by eligible
18 electors who reside within the district. The proposal
19 must contain the names of the proposed members of the
20 commission and be accompanied by a petition which has
21 been signed by at least twenty percent of the eligible
22 electors.

23 Sec. ____ . Section 275.55, unnumbered paragraph 4,
24 Code 1987, is amended to read as follows:

25 The attachment is effective July 1 following its
26 approval. If the dissolution proposal is for the
27 dissolution of a school district with a certified
28 enrollment of fewer than six hundred, and the proposal
29 has been submitted to the department of education, and
30 the department of education has sent written
31 notification to the department of management of its
32 approval of the dissolution, the territory located in
33 the school district that dissolved is eligible for a
34 reduction in the uniform property tax levy under
35 section 442.2, subsection 1.

36 Sec. ____ . NEW SECTION. 275.55A ATTENDANCE IN
37 OTHER DISTRICT.

38 A pupil enrolled in ninth, tenth, or eleventh grade
39 during the school year preceding the effective date of
40 a dissolution proposal, who was a resident of the
41 school district that dissolved, may enroll in any
42 school district to which territory of the school
43 district that dissolved was attached until that
44 pupil's graduation from high school. Notwithstanding
45 section 282.24, the district of residence of the
46 pupil, determined in the dissolution proposal, shall
47 pay tuition to the school district selected by the
48 pupil in an amount not to exceed the district cost per
49 pupil of the district of residence and the school
50 district selected by the pupil shall accept that

1 tuition payment and enroll the pupil."

2 2. Page 4, by inserting after line 10 the
3 following:

4 "Sec. ____ . Section 442.2, subsection 1, unnumbered
5 paragraphs 2 and 3, Code 1987, are amended to read as
6 follows:

7 However, commencing with the budget year beginning
8 July 1, ~~1987~~ 1988, a reorganized school district shall
9 cause a foundation property tax of four dollars and
10 forty cents per thousand dollars of assessed valuation
11 to be levied on all taxable property which, in the
12 year preceding the a reorganization, was within a
13 school district affected by the reorganization as
14 defined in section 275.1, ~~and which or in the year~~
15 preceding a dissolution was a part of a school
16 district that dissolved if the dissolution proposal
17 has been approved by the department of education
18 pursuant to section 275.55. In the year preceding the
19 reorganization or dissolution, the school district
20 affected by the reorganization or the school district
21 that dissolved must have had a certified enrollment of
22 less fewer than six hundred in order for the four
23 dollar and forty cent levy to apply. In succeeding
24 school years, the foundation property tax levy on that
25 portion shall be increased twenty cents per year until
26 it reaches the rate of five dollars and forty cents
27 per thousand dollars of assessed valuation.

28 For purposes of this section, a reorganized school
29 district is one in which reorganization or dissolution
30 was approved in an election pursuant to sections
31 275.18 and 275.20 or section 275.55, and will take the
32 reorganization or dissolution takes effect on or after
33 July 1, ~~1986~~ 1988."

34 3. Title page, line 1, by inserting after the
35 word "to" the following: "enrollment of school
36 pupils, including".

37 4. Title page, line 1, by inserting after the
38 word "effecting" the following: "school district
39 dissolutions ~~and~~".

S-5576

Filed March 25, 1988

Adopted as amended by Senate, 5/20/88.
APL (2/11/88)

BY LARRY MURPHY
WALLY E. HORN
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JOY CORNING
JIM RIORDAN

EDUCATION

HOUSE FILE 2419
BY (PROPOSED COMMITTEE ON
EDUCATION BILL)

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

A BILL FOR

1 An Act relating to initiating and effecting whole-grade sharing
2 agreements.

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

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1 Section 1. Section 256.9, Code Supplement 1987, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 31. Conduct or direct the area education
4 agency to conduct feasibility surveys and studies regarding
5 proposed whole-grade sharing agreements. The studies must
6 include a cover page containing recommendations and a short
7 explanation of the recommendations. The factors to be used in
8 determining the recommendations include, but are not limited
9 to:

- 10 a. The possibility of long-term survival of the proposed
11 alliance.
12 b. The adequacy of educational programs.
13 c. The financial strength of the new alliance.
14 d. Geographical considerations.
15 e. The impact of the alliance on surrounding schools.

16 Sec. 2. Section 282.7, Code Supplement 1987, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 3. In order for an agreement negotiated
19 under subsections 1 and 2 of this section to qualify for the
20 incentives specified in section 442.39, a district must first
21 meet the following requirements:

- 22 a. A feasibility study must have been requested and
23 completed by the department of education or the area education
24 agency regarding the proposed sharing agreement.
25 b. The agreement must conform to the recommendations set
26 out in the feasibility study.

27 Sec. 3. Section 282.11, Code Supplement 1987, is amended
28 to read as follows:

29 282.11 PROCEDURE.

30 Not less than thirty days prior to signing a whole-grade
31 whole-grade sharing agreement whereby all or a substantial
32 portion of the pupils in a grade in the district will attend
33 school in another district, the board of directors of each
34 school district that is a party to a proposed sharing
35 agreement shall hold a public hearing at which the proposed

1 agreement is described, and at which the parent or guardian of
2 an affected pupil shall have an opportunity to comment on the
3 proposed agreement. ~~Within the thirty-day period prior to the~~
4 ~~signing of the agreement,~~ The board of directors may allow the
5 parent or guardian on behalf of the affected pupil the option
6 of not sending the pupil to the district specified in the
7 agreement. If this option is not given, the parent or
8 guardian of an affected pupil may appeal the sending of that
9 pupil to the school district specified in the agreement,
10 within the thirty-day period prior to the signing of the
11 agreement, to the state board of education. A parent or
12 guardian may appeal on the basis that sending the pupil to
13 school in the district specified in the agreement will not
14 meet the educational program needs of the pupil, or the school
15 in the school district to which the pupil will be sent is not
16 appropriate because consideration was not given to
17 geographical factors. An appeal shall specify a contiguous
18 school district to which the parent or guardian wishes to send
19 the affected pupil. If the parent or guardian appeals, the
20 standard of review of the appeal is clear and convincing
21 evidence that the ~~parent~~ parent's or guardian's hardship
22 outweighs the benefits and integrity of the sharing agreement.
23 The state board may require the district of residence to pay
24 tuition to the contiguous school district specified by the
25 parent or guardian, or may deny the appeal by the parent or
26 guardian. If the state board requires the district of
27 residence to pay tuition to the contiguous school district
28 specified by the parent or guardian, the tuition shall be
29 equal to the tuition established in the sharing agreement.
30 The decision of the state board is binding on the boards of
31 directors of the school districts affected, except that the
32 decision of the state board may be appealed by either party to
33 the district court.

34 Sec. 4. Section 282.12, subsection 2, Code Supplement
35 1987, is amended to read as follows:

1 2. For one-way sharing, the sending district shall pay no
2 less than ~~one-half-of~~ the district cost per pupil of the
3 sending district.

4 EXPLANATION

5 This bill provides for a feasibility study requirement
6 prior to the adoption of whole-grade agreements. It also
7 provides that, where an agreement does not conform to the
8 recommendations made in the study, the agreement shall not be
9 eligible for certain financial incentives. One-way whole-
10 grade sharing costs are raised to per pupil costs from one-
11 half of per pupil costs. Also, the local board is
12 specifically granted authority to allow the parent or guardian
13 of a pupil affected by the agreement to opt out of the
14 proposed agreement and sent the pupil to another contiguous
15 district.

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HOUSE FILE 2419

AN ACT

RELATING TO ENROLLMENT OF SCHOOL PUPILS, INCLUDING INITIATING AND EFFECTING SCHOOL DISTRICT DISSOLUTIONS AND WHOLE-GRADE SHARING AGREEMENTS, SETTING MAXIMUM INCENTIVES.

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

Section 1. Section 256.9, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 31. Conduct or direct the area education agency to conduct feasibility surveys and studies, if requested under section 282.11, of the school districts within the area education agency service areas and all adjacent territory, including but not limited to contiguous districts in other states, for the purpose of evaluating and recommending proposed whole-grade sharing agreements requested under section 282.7 and section 282.10, subsections 1 and 4. The surveys and studies shall be revised periodically to reflect reorganizations which may have taken place in the area education agency, adjacent territory, and contiguous districts in other states. The surveys and studies shall include a cover page containing recommendations and a short explanation of the recommendations. The factors to be used in determining the recommendations include, but are not limited to:

a. The possibility of long-term survival of the proposed alliance.

b. The adequacy of the proposed educational programs versus the educational opportunities offered through a different alliance.

c. The financial strength of the new alliance.

d. Geographical factors.

e. The impact of the alliance on surrounding schools.

Copies of the completed surveys and studies shall be transmitted to the affected districts' school boards.

Sec. 2. Section 275.1, unnumbered paragraph 1, Code 1987, is amended to read as follows:

It is the policy of the state to encourage economical and efficient school districts which will ensure an equal educational opportunity to all children of the state. All areas of the state shall be in school districts maintaining kindergarten and twelve grades. If a school district ceases to maintain kindergarten and twelve grades except as otherwise provided in sections section 28E.9, 280.15, 257-28 256.13, and 282.7, subsection 1 or subsections 1 and 3, or 282.8, it shall reorganize within six months or the state board shall attach the school district not maintaining kindergarten and twelve grades to one or more adjacent districts. Voluntary reorganizations under this chapter shall be commenced only if the affected school districts are contiguous to one another. A reorganized district shall meet the requirements of section 275.3.

Sec. 3. Section 275.51, unnumbered paragraph 1, Code 1987, is amended to read as follows:

As an alternative to school district reorganization prescribed in this chapter, the board of directors of a school district may establish a school district dissolution commission to prepare a proposal of dissolution of the school district and attachment of all of the school district to one or more contiguous school districts and to include in the proposal a division of the assets and liabilities of the dissolving school district. A school district dissolution

commission may also be established by the board of directors of a school district if a dissolution proposal has been prepared by eligible electors who reside within the district. The proposal must contain the names of the proposed members of the commission and be accompanied by a petition which has been signed by at least twenty percent of the eligible electors.

Sec. 4. Section 275.55, unnumbered paragraph 4, Code 1987, is amended to read as follows:

The attachment is effective July 1 following its approval. If the dissolution proposal is for the dissolution of a school district with a certified enrollment of fewer than six hundred, the territory located in the school district that dissolved is eligible, if approved by the director of the department of education, for a reduction in the uniform property tax levy under section 442.2, subsection 1. If the director approves a reduction in the uniform property tax levy as provided in this section, the director shall notify the director of the department of management of the reduction.

Sec. 5. NEW SECTION. 275.55A ATTENDANCE IN OTHER DISTRICT.

A pupil enrolled in ninth, tenth, or eleventh grade during the school year preceding the effective date of a dissolution proposal, who was a resident of the school district that dissolved, may enroll in any school district to which territory of the school district that dissolved was attached until that pupil's graduation from high school.

Notwithstanding section 282.24, the district of residence of the pupil, determined in the dissolution proposal, shall pay tuition to the school district selected by the pupil in an amount not to exceed the district cost per pupil of the district of residence and the school district selected by the pupil shall accept that tuition payment and enroll the pupil.

Sec. 6. Section 282.1, Code 1987, is amended to read as follows:

282.1 SCHOOL AGE -- NONRESIDENTS.

Persons between five and twenty-one years of age are of school age. A board may establish and maintain evening schools for residents of the corporation regardless of age and for which no tuition need be charged. Nonresident children shall be charged the maximum tuition rate as determined in section 282.24, subsection 1, with the exception that those residing temporarily in a school corporation may attend school in the corporation upon terms prescribed by the board, and boards discontinuing grades under section 282.7, subsection 1 or subsections 1 and 3, shall be charged tuition as provided in section 282.24, subsection 2.

Sec. 7. Section 282.7, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding section 282.8 and section 28E.9, a school district may negotiate an agreement under subsection 1 for attendance of its pupils in a school district located in a contiguous state subject to a reciprocal agreement by the two state boards in the manner provided in this subsection. Prior to negotiating an agreement with the school district in the contiguous state, the board of directors shall file a written request with the state board of education for a determination whether the school district in the contiguous state meets requirements substantially similar to those required for accredited or approved school districts in this state and the school district receives or has available services equivalent to those that would be provided in this state by an area education agency. The school district shall also obtain approval by the department of education of the sharing proposal, before the agreement becomes effective. Six months prior to making the request for approval, the district shall request a feasibility study from the department of education. If the state board of this state and the corresponding state board in the contiguous state agree that the school districts of their respective states meet substantially similar requirements and have substantially

similar services available to the school district, and if the Iowa department of education approves the proposed contract, the two state boards may sign a reciprocal agreement for attendance of their pupils in the school district of the other state, subject to the agreement signed between the boards of directors of the two districts. A school district that negotiates an agreement with a school district in a contiguous state under this subsection is not eligible for supplementary weighting under section 442.39 as a result of that agreement.

Sec. 8. Section 282.10, subsection 1, Code Supplement 1987, is amended to read as follows:

1. Whole grade sharing is a procedure used by school districts whereby all or a substantial portion of the pupils in any grade in two or more school districts share an educational program for all or a substantial portion of a school day under a written agreement pursuant to section 256.13, 280.15, or 282.7, subsection 1 or subsections 1 and 3. Whole grade sharing may either be one-way or two-way sharing.

Sec. 9. Section 282.24, subsection 1, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

There is established a maximum tuition fee that may be charged for elementary and high school students residing within another school district or corporation except students attending school in another district under section 282.7, subsection 1 or subsections 1 and 3. That fee is the district cost per pupil of the receiving district as computed in section 442.9, subsection 1, paragraph "a".

Sec. 10. Section 282.11, Code Supplement 1987, is amended to read as follows:

282.11 PROCEDURE.

Not less than ninety days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is negotiating, extending, or renewing a sharing

agreement, shall publicly announce its intent to negotiate a sharing agreement under section 21.4, subsection 1. Within thirty days of the board's public notice, a petition may be filed with the department of education requesting that a feasibility study be completed. The petition shall be signed by twenty percent of the eligible electors in the district. The director of the department of education may determine that a feasibility study conducted by the board satisfies the request, provided that the study conforms with the criteria contained in section 256.9.

Not less than thirty days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is a party to a proposed sharing agreement shall hold a public hearing at which the proposed agreement is described, and at which the parent or guardian of an affected pupil and certificated employees of the school district shall have an opportunity to comment on the proposed agreement. Within the thirty-day period prior to the signing of the agreement, the parent or guardian of an affected pupil may request the board of directors to send the pupil to another contiguous school district. The request shall be based upon one of the following:

1. That the agreement will not meet the educational program needs of the pupil.
2. That adequate consideration was not given to geographical factors.

The board shall allow or disallow the request prior to the signing of the agreement, or the request shall be deemed granted. If the board disallows the request, the board shall indicate the reasons why the request is disallowed and shall notify the parent or guardian that the decision of the board may be appealed as provided in this section.

If the board disallows the request of a parent or guardian of an affected pupil, the parent or guardian, not later than March 1, may appeal the sending of that pupil to the school district specified in the agreement, to the state board of education. The basis for the appeal shall be the same as the basis for the request to the board. A parent or guardian may appeal on the basis that sending the pupil to school in the district specified in the agreement will not meet the educational program needs of the pupil, or the school in the school district to which the pupil will be sent is not appropriate because consideration was not given to geographical factors. An appeal shall specify a contiguous school district to which the parent or guardian wishes to send the affected pupil. If the parent or guardian appeals, the standard of review of the appeal is clear and convincing a preponderance of evidence that the parent's or guardian's hardship outweighs the benefits and integrity of the sharing agreement. The state board may require the district of residence to pay tuition to the contiguous school district specified by the parent or guardian, or may deny the appeal by the parent or guardian. If the state board requires the district of residence to pay tuition to the contiguous school district specified by the parent or guardian, the tuition shall be equal to the tuition established in the sharing agreement. The decision of the state board is binding on the boards of directors of the school districts affected, except that the decision of the state board may be appealed by either party to the district court.

Sec. 11. Section 285.1, subsection 3, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

In a district where transportation by school bus is impracticable, where necessary to implement a whole grade sharing agreement under section 282.10, or where school bus service is not available, the board may require parents or guardians to furnish transportation for their children to the

schools designated for attendance. Except as provided in section 285.3, the parent or guardian shall be reimbursed for such transportation service for public and nonpublic school pupils by the board of the resident district in an amount equal to eighty dollars plus seventy-five percent of the difference between eighty dollars and the previous school year's statewide average per pupil transportation cost, as determined by the department of education.

Sec. 12. Section 290.1, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of section 282.11, a "person aggrieved" or "party aggrieved" means the "parent or guardian of an affected pupil."

Sec. 13. Section 442.2, subsection 1, unnumbered paragraphs 2 and 3, Code 1987, are amended to read as follows:

However, commencing with the budget year beginning July 1, 1987 1988, a reorganized school district shall cause a foundation property tax of four dollars and forty cents per thousand dollars of assessed valuation to be levied on all taxable property which, in the year preceding the a reorganization, was within a school district affected by the reorganization as defined in section 275.1, and which or in the year preceding a dissolution was a part of a school district that dissolved if the dissolution proposal has been approved by the director of the department of education pursuant to section 275.55. In the year preceding the reorganization or dissolution, the school district affected by the reorganization or the school district that dissolved must have had a certified enrollment of less fewer than six hundred in order for the four dollar and forty cent levy to apply. In succeeding school years, the foundation property tax levy on that portion shall be increased twenty cents per year until it reaches the rate of five dollars and forty cents per thousand dollars of assessed valuation.

For purposes of this section, a reorganized school district is one which absorbed at least thirty percent of the enrollment of the school district affected by a reorganization or dissolved during a dissolution and in which reorganization or dissolution was approved in an election pursuant to sections 275.18 and 275.20 or section 275.55, and will take the reorganization or dissolution takes effect on or after July 1, 1986 1988.

Sec. 14. Section 442.13, subsection 7, Code Supplement 1987, is amended to read as follows:

7. The committee may authorize a district to spend a reasonable and specified amount from its unexpended cash balance ~~for the purpose or purposes of furnishing either of the following purposes:~~

a. Furnishing, equipping, and contributing to the construction of a new building or structure for which the voters of the district have approved a bond issue as provided by law or a tax as provided in chapter 278 and for major building repairs as defined in section 297.5.

b. The costs associated with the demolition of an unused school building, or the conversion of an unused school building for community use, in a school district involved in a dissolution or reorganization under chapter 275 which are incurred within three years of the dissolution or reorganization.

PARAGRAPH DIVIDED. No other expenditure, including but not limited to expenditures for salaries or recurring costs, shall be authorized under this subsection. Expenditures authorized under this subsection shall not be included in allowable growth or district cost, and the portion of the unexpended cash balance which is authorized to be spent shall be regarded as if it were miscellaneous income. Any part of such the amount ~~which is~~ not actually spent for the authorized purpose shall revert to its former status as part of the unexpended cash balance.

Sec. 15. Section 442.39, subsection 2, Code Supplement 1987, is amended to read as follows:

2. Pupils attending classes in another school district or an area school, attending classes taught by a teacher who is employed jointly under section 280.15, or attending classes taught by a teacher who is employed by another school district, are assigned a weighting of one plus five-tenths times the percent of the pupil's school day during which the pupil attends classes in another district or area school, attends classes taught by a teacher who is jointly employed under section 280.15, or attends classes taught by a teacher who is employed by another school district if the school budget review committee certifies to the department of management that the shared classes or teachers would otherwise not be implemented without the assignment of additional weighting. However, in lieu of the additional weighting of five-tenths, the school budget review committee shall assign an additional weighting of one-tenth times the percent of the pupil's school day in which a pupil attends classes in another district or an area school, attends classes taught by a teacher who is employed jointly under section 280.15, or attends classes taught by a teacher who is employed by another district, in districts that have a substantial number of students in any of grades seven through twelve sharing more than one class or teacher. ~~Effective July 17, 1986, the~~ The additional weighting of one-tenth may be assigned by the school budget review committee ~~to a district~~ for a maximum of five years, and thereafter, the additional weighting shall not be assigned to the same district under this section, but may be assigned under section 442.39A.

Sec. 16. Section 442.39, subsection 4, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988, the additional weighting assigned under this subsection may be

assigned to a district for a maximum of five years and, thereafter, the additional weighting shall not be assigned to the same district under this section, but may be assigned under section 442.39A.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2419, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 16, 1988

TERRY E. BRANSTAD
Governor