

FEB 13 1998
EDUCATION

HOUSE FILE 2253
BY GRUNDBERG

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

A BILL FOR

1 An Act relating to area education agencies and school districts
2 by modifying the time guidelines concerning bargaining by
3 certain employees, and changing dates relating to budget
4 certification and notice of teacher termination for school
5 districts.

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

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HF 2253

1 Section 1. Section 20.17, subsection 11, paragraph a, Code
2 1997, is amended to read as follows:

3 a. In the absence of an impasse agreement negotiated
4 pursuant to section 20.19 which provides for a different
5 completion date, public employees represented by a certified
6 employee organization, ~~who are including~~ teachers licensed
7 under chapter 272, and who are employed by a public employer
8 which is a school district or area education agency shall
9 complete the negotiation of a proposed collective bargaining
10 agreement not later than ~~May-31~~ April 30 of the year when the
11 agreement is to become effective. The board shall provide, by
12 rule, a date on which impasse items in such cases must be
13 submitted to binding arbitration and for such other procedures
14 as deemed necessary to provide for the completion of
15 negotiations of proposed collective bargaining agreements not
16 later than ~~May-31~~ April 30. The date selected for the
17 mandatory submission of impasse items to binding arbitration
18 in such cases shall be sufficiently in advance of ~~May-31~~ April
19 30 to ensure that the arbitrators' decision can be reasonably
20 made before ~~May-31~~ April 30.

21 Sec. 2. Section 20.19, Code 1997, is amended to read as
22 follows:

23 20.19 IMPASSE PROCEDURES -- AGREEMENT OF PARTIES.

24 As the first step in the performance of their duty to
25 bargain, the public employer and the employee organization
26 shall endeavor to agree upon impasse procedures. Such
27 agreement shall provide for implementation of these impasse
28 procedures not later than one hundred twenty days prior to the
29 certified budget submission date of the public employer.
30 ~~However, if public employees represented by the employee~~
31 ~~organization are teachers licensed under chapter 272, and the~~
32 ~~public employer is a school district or area education agency,~~
33 ~~the agreement shall provide for implementation of impasse~~
34 ~~procedures not later than one hundred twenty days prior to May~~
35 ~~31 of the year when the collective bargaining agreement is to~~

1 ~~become-effective.~~ If the public employer is a community
2 college, the agreement shall provide for implementation of
3 impasse procedures not later than one hundred twenty days
4 prior to May 31 of the year when the collective bargaining
5 agreement is to become effective. If the parties fail to
6 agree upon impasse procedures under the provisions of this
7 section, the impasse procedures provided in sections 20.20 to
8 20.22 shall apply.

9 Sec. 3. Section 20.20, Code 1997, is amended to read as
10 follows:

11 20.20 MEDIATION.

12 In the absence of an impasse agreement negotiated pursuant
13 to section 20.19 or the failure of either party to utilize its
14 procedures, one hundred twenty days prior to the certified
15 budget submission date, ~~or-one-hundred-twenty-days-prior-to~~
16 ~~May-31-of-the-year-when-the-collective-bargaining-agreement-is~~
17 ~~to-become-effective-if-public-employees-represented-by-the~~
18 ~~employee-organization-are-teachers-licensed-under-chapter-272~~
19 ~~and-the-public-employer-is-a-school-district-or-area-education~~
20 ~~agency,~~ the board shall, upon the request of either party,
21 appoint an impartial and disinterested person to act as
22 mediator. If the public employer is a community college, and
23 in the absence of an impasse agreement negotiated pursuant to
24 section 20.19 or the failure of either party to utilize its
25 procedures, one hundred twenty days prior to May 31 of the
26 year when the collective bargaining agreement is to become
27 effective, the board, upon the request of either party, shall
28 appoint an impartial and disinterested person to act as
29 mediator. It shall be the function of the mediator to bring
30 the parties together to effectuate a settlement of the
31 dispute, but the mediator may not compel the parties to agree.

32 Sec. 4. Section 24.17, unnumbered paragraph 1, Code
33 Supplement 1997, is amended to read as follows:

34 The local budgets of the various political subdivisions
35 shall be certified by the chairperson of the certifying board

1 or levying board, as the case may be, in duplicate to the
2 county auditor not later than March 15 of each year on forms,
3 and pursuant to instructions, prescribed by the department of
4 management. However, if the political subdivision is a school
5 district, as defined in section 257.2, its budget shall be
6 certified not later than April ~~15~~ 30 of each year.

7 Sec. 5. Section 24.27, Code 1997, is amended to read as
8 follows:

9 24.27 PROTEST TO BUDGET.

10 Not later than March 25 or ~~April-25~~ May 10 if the
11 municipality is a school district, a number of persons in any
12 municipality equal to one-fourth of one percent of those
13 voting for the office of governor, at the last general
14 election in the municipality, but the number shall not be less
15 than ten, and the number need not be more than one hundred
16 persons, who are affected by any proposed budget, expenditure
17 or tax levy, or by any item thereof, may appeal from any
18 decision of the certifying board or the levying board by
19 filing with the county auditor of the county in which the
20 municipal corporation is located, a written protest setting
21 forth their objections to the budget, expenditure or tax levy,
22 or to one or more items thereof, and the grounds for their
23 objections. If a budget is certified after March 15 or ~~April~~
24 ~~15~~ April 30 in the case of a school district, all appeal time
25 limits shall be extended to correspond to allowances for a
26 timely filing. Upon the filing of a protest, the county
27 auditor shall immediately prepare a true and complete copy of
28 the written protest, together with the budget, proposed tax
29 levy or expenditure to which objections are made, and shall
30 transmit them forthwith to the state board, and shall also
31 send a copy of the protest to the certifying board or to the
32 levying board, as the case may be.

33 Sec. 6. Section 76.2, unnumbered paragraph 2, Code 1997,
34 is amended to read as follows:

35 If the resolution is filed prior to April 1 or ~~May-1~~ May

1 15, if the political subdivision is a school district, the
2 annual levy shall begin with the tax levy for collection
3 commencing July 1 of that year. If the resolution is filed
4 after April 1 or ~~May 1~~ May 15, in the case of a school
5 district, the annual levy shall begin with the tax levy for
6 collection in the next succeeding fiscal year. However, the
7 governing authority of a political subdivision may adjust a
8 levy of taxes made under this section for the purpose of
9 adjusting the annual levies and collections for property
10 severed from the political subdivision, subject to the
11 approval of the director of the department of management.

12 Sec. 7. Section 257.19, unnumbered paragraph 2, Code 1997,
13 is amended to read as follows:

14 Certification of a board's intent to participate for a
15 budget year, the method of funding, and the amount to be
16 raised shall be made to the department of management not later
17 than ~~April 15~~ April 30 of the base year. Funding for the
18 instructional support program shall be obtained from
19 instructional support state aid and from local funding using
20 either an instructional support property tax or a combination
21 of an instructional support property tax and an instructional
22 support income surtax.

23 Sec. 8. Section 257.29, unnumbered paragraph 2, Code 1997,
24 is amended to read as follows:

25 The educational improvement program shall provide
26 additional revenues each fiscal year equal to a specified
27 percent of the regular program district cost of the district,
28 as determined by the board but not more than the maximum
29 percent authorized by the electors if an election has been
30 held. Certification of a district's participation for a
31 budget year, the method of funding, and the amount to be
32 raised shall be made to the department of management not later
33 than ~~April 15~~ April 30 of the base year.

34 Sec. 9. Section 279.15, subsection 1, Code 1997, is
35 amended to read as follows:

1 1. The superintendent or the superintendent's designee
2 shall notify the teacher not later than ~~April-30~~ May 15 that
3 the superintendent will recommend in writing to the board at a
4 regular or special meeting of the board, held not later than
5 ~~May-15~~ May 31, that the teacher's continuing contract be
6 terminated effective at the end of the current school year.
7 However, if the district is subject to reorganization under
8 chapter 275, the notification shall not occur until after the
9 first organizational meeting of the board of the newly formed
10 district.

11 Sec. 10. Section 279.16, unnumbered paragraph 6, Code
12 1997, is amended to read as follows:

13 If the teacher fails to timely request a private hearing or
14 does not appear at the private hearing, the board may proceed
15 and make a determination upon the superintendent's
16 recommendation. If the teacher fails to timely file a request
17 for a private hearing, the determination shall be not later
18 than ~~May-31~~ June 15. If the teacher fails to appear at the
19 private hearing, the determination shall be not later than
20 five days after the scheduled date for the private hearing.
21 The board shall convene in open session and by roll call vote
22 determine the termination or continuance of the teacher's
23 contract.

24 Sec. 11. Section 279.54, unnumbered paragraph 1, Code
25 1997, is amended to read as follows:

26 If a majority of those voting in an election approves
27 raising the amount of enrichment amount for an asbestos
28 project under section 279.53 and this section, not later than
29 ~~April-15~~ April 15 of the previous school year the board shall
30 certify to the department of management that the required
31 procedures have been carried out, the method of funding the
32 amount to be levied and the department of management shall
33 establish the amount of additional enrichment property tax to
34 be levied in addition to the combination of the enrichment
35 property tax and the amount of enrichment income surtax to be

1 imposed for each school year for which the additional
2 enrichment amount for an asbestos project is authorized. The
3 enrichment property tax and income surtax, if an income surtax
4 is imposed, shall be levied and imposed, collected, and paid
5 to the school district in the manner provided for the
6 instructional support program in sections 257.21 through
7 257.26.

8 Sec. 12. Section 298.2, subsection 3, Code Supplement
9 1997, is amended to read as follows:

10 3. The board of directors of a school district may certify
11 for levy by ~~April 15~~ April 30 of a school year a tax on all
12 taxable property in the school district for the regular
13 physical plant and equipment levy.

14 Sec. 13. Section 298.2, subsection 4, unnumbered paragraph
15 2, Code Supplement 1997, is amended to read as follows:

16 If a combination of a property tax and income surtax is
17 used, by ~~April 15~~ April 30 of the previous school year, the
18 board shall certify the percent of the income surtax to be
19 imposed and the amount to be raised to the department of
20 management and the department of management shall establish
21 the rate of the property tax and income surtax for the school
22 year. The physical plant and equipment property tax and
23 income surtax shall be levied or imposed, collected, and paid
24 to the school district in the manner provided for the
25 instructional support program in sections 257.21 through
26 257.26.

27 Sec. 14. Section 298.4, unnumbered paragraph 1, Code 1997,
28 is amended to read as follows:

29 The board of directors of a school district may certify for
30 levy by ~~April 15~~ April 30 of a school year, a tax on all
31 taxable property in the school district for a district
32 management levy. The revenue from the tax levied in this
33 section shall be placed in the district management levy fund
34 of the school district. The district management levy shall be
35 expended only for the following purposes:

1 Sec. 15. Section 298.10, Code 1997, is amended to read as
2 follows:

3 298.10 LEVY FOR CASH RESERVE.

4 The board of directors of a school district may certify for
5 levy by ~~April 15~~ April 30 of a school year, a tax on all
6 taxable property in the school district in order to raise an
7 amount for a necessary cash reserve for a school district's
8 general fund. The amount raised for a necessary cash reserve
9 does not increase a school district's authorized expenditures
10 as defined in section 257.7.

11 Sec. 16. Section 300.2, unnumbered paragraph 2, Code 1997,
12 is amended to read as follows:

13 If a majority of the votes cast upon the proposition is in
14 favor of the proposition, the board shall certify the amount
15 required for a fiscal year to the county board of supervisors
16 by ~~April 15~~ April 30 of the preceding fiscal year. The board
17 of supervisors shall levy the amount certified. The amount
18 shall be placed in the public education and recreation levy
19 fund of the district and shall be used only for the purposes
20 specified in this chapter.

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EXPLANATION

22 This bill changes from May 31 to April 30 the date that
23 collective bargaining for employees of a school district or
24 area education agency, including teachers, must be completed.
25 The bill also provides that, for teachers, an agreement by the
26 parties on impasse procedures must be implemented no later
27 than 120 days prior to the certified budget submission date
28 for the public employer instead of the current 120 days prior
29 to May 31. If impasse procedures are not agreed upon or
30 followed in regards to teachers, the bill also provides that a
31 mediator can be appointed 120 days prior to the certified
32 budget submission date for the public employer instead of the
33 current 120 days prior to May 31.

34 The bill also changes the budget certification date for
35 school districts from April 15 to April 30, and adjusts the

1 time guidelines for other related budgetary requirements and
2 the time for a protest to the budget accordingly.

3 The bill also changes the date for notice of teacher
4 terminations from April 30 to May 15, and adjusts the time
5 guidelines for other related matters accordingly.

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