

FEB 24 1999  
EDUCATION

HOUSE FILE **388**  
BY GRUNDBERG and HEATON

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 388**

1 Section 1. Section 20.17, subsection 11, paragraph a, Code  
2 1999, 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 1999, 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 1999, 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 1999,  
33 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 1999, 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 1999,  
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 1999,  
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 1999,  
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 1999, 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 1999, 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 1999, is amended to read as follows:

26 If a majority of those voting in an election approves  
27 raising the additional enrichment amount for an asbestos  
28 project under section 279.53 and this section, not later than  
29 ~~April-15~~ April 30 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 raised, and the department of management shall  
33 establish the amount of additional enrichment property tax to  
34 be levied or the amount of 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 1999, is  
9 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 1999, 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 1999,  
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 1999, 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 1999,  
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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