

Sec. 2. The state board of regents may make payment to an attorney or counselor for services rendered prior to the effective date of this Act to the state board of regents in connection with its responsibilities as a public employer pursuant to chapter twenty (20) of the Code.

Approved June 5, 1978

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CHAPTER 1099  
IOWA COMMUNITY EDUCATION

H. F. 2361

AN ACT relating to education providing for a tax and an appropriation.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. TITLE. Sections one (1) through eleven (11) of this Act shall be known and may be cited as the "Iowa community education Act".

Sec. 2. NEW SECTION. PURPOSE. It is the purpose of this Act to provide educational, recreational, cultural, and other community services and programs through the establishment of the concept of community education with the community school serving as the center for such activity. In cooperation with other community agencies and groups, it is the purpose of the community education Act to mobilize community resources to solve identified community concerns and to promote a more efficient and expanded use of existing school buildings and equipment, to provide leadership in working with other entities, to mobilize the human and financial resources of a community, and to provide a wide range of opportunities for all socioeconomic, ethnic, and age groups. A related purpose of this Act is to develop a sense of community in which the citizenry cooperates with the school and community agencies and groups to resolve their school and community concerns and to recognize that the schools belong to the people, and that as the entity located in every neighborhood, the schools are available for use by the community day and night, year-round or any time when the programming will not interfere with the elementary and secondary program.

Sec. 3. NEW SECTION. DEFINITIONS. As used in sections one (1) through eleven (11) of this Act unless the context otherwise requires:

1. "Community education" means a life-long education process concerning itself with every facet that affects the well-being of all citizens within a given community. It extends the role of the school from one of teaching children through an elementary and secondary program to one of providing for citizen participation in identifying the wants, needs, and concerns of the neighborhood community and coordinating all educational, recreational, and cultural opportunities within the community with community education being the catalyst for providing for citizen participation in the development and implementation of programs toward the goal of improving the entire community.

Community education energizes people to strive for the achievement of determined goals and stimulates capable persons to assume leadership responsibilities. It welcomes and works with all groups, it draws no lines. It is the one institution in the entire community that has the opportunity to reach all people and groups and to gain their cooperation.

2. "Community school" means any elementary or secondary school.

3. "Community" means the area located within the boundaries of the local school district.

4. "State consultant" means the state community education consultant.

5. "Department" means the department of public instruction.

6. "State advisory council" means the council established by section six (6) of this Act.

7. "Director" means the local community school director who assumes responsibility for making the process function effectively.

8. "District-wide advisory council" means a broadly-representative group of persons selected from the entire school district with at least one representative from each of the local advisory councils after they are formed. At least one member of the council shall be a representative from the local public recreation department or agency, if one exists.

9. "Local advisory council" means a broadly-representative group of persons living within the attendance boundaries of an individual neighborhood school.

10. "Board" means the local board of directors of school districts.

Sec. 4. NEW SECTION. STATE CONSULTANT. State consultant of community education shall serve district and local advisory

councils in accordance with rules promulgated by the superintendent of public instruction and in compliance with public law ninety-three dash three hundred eighty (P.L. 93-380).

Sec. 5. NEW SECTION. LOCAL DIRECTOR. The local community education director shall:

1. Serve as staff person to district-wide and local advisory councils.
2. Promote, publicize, and interpret the community education programs to the schools and community.
3. Facilitate community needs and resources after adequate assessment.
4. Seek ideas, promote people involvement in the process, and open lines of communication and coordination.
5. Stimulate planning to meet needs.
6. Schedule community-use hours available in school-plant facilities and related equipment and coordinate such use with building principals or designated representatives.
7. Prepare the community education budget in concert and with approval of the district-wide advisory council, and administer the budget after final approval by the board of directors.

Sec. 6. NEW SECTION. STATE ADVISORY COUNCIL.

1. The state advisory council is established consisting of nine members appointed by the state board of public instruction for three-year terms. The purpose of the community school advisory council is to promote educational, recreational, cultural and other community services through the maximum use of school facilities. The state council shall consist of members who are broadly representative of the educational, recreational, cultural, and social entities of the state. Members shall be appointed from various geographic locations throughout the state and shall represent various socioeconomic, ethnic, and age groups. Terms of office shall commence on July first of the year in which the appointment is made and shall continue until a successor is appointed and qualifies. However, for the initial council, three members shall be appointed for three-year terms, three members for two-year terms, and three members for one-year terms. Vacancies occurring on the state council shall be filled for the unexpired term in the same manner as the original appointment.

2. The members of the state council shall serve without compensation, but shall be reimbursed for actual expenses

and travel incurred while the member is on official business of the state council.

3. The members of the council shall meet annually as soon after July first as possible to organize at a time and place designated by the state consultant. Thereafter, meetings may be called by the chairperson or a majority of members. The state council shall elect a chairperson and such other officers as it deems necessary. The state consultant shall serve as secretary for the state council.

Sec. 7. NEW SECTION. DUTIES OF STATE COUNCIL. The state council shall:

1. Establish and maintain close cooperation and understanding among the various groups throughout the state affected by community education programs.
2. Provide a forum for the discussion, development, and recommendation of public policy alternatives for community education programs.
3. Serve as a clearinghouse for information on matters relating to community education programs and similar programs throughout the United States.
4. Serve as a clearinghouse for resource persons, associations, and groups of all kinds, coordinating assistance to school districts which have specific needs.
5. Provide an annual report to the state board of public instruction.
6. Perform other functions necessary to insure the orderly and coordinated development of community school programs in the state.

Sec. 8. NEW SECTION. DUTIES OF DISTRICT-WIDE ADVISORY COUNCIL. The district-wide advisory council shall:

1. Provide guidance to local advisory councils, training and orientation for community persons, evaluation and assessment of needs and delivery systems for school districts.
2. Develop a "sense of total community" and promote democratic thinking and action.
3. Promote meaningful involvement of total community in the identifying, prioritizing, and resolving of school-community concerns.
4. Serve as an advocate of community education and foster community cooperation.
5. Provide an annual budget recommendation and annual report to the local board of education.
6. Mobilize available human and financial resources of the community to meet needs, interests, and concerns of people in the total community.

7. Make school facilities and resources available to all age groups from the total community, day and night, year round.

8. Facilitate the assessment of community-wide needs with the understanding that local advisory councils will manage their own assessments of needs.

9. Provide support and act as a resource group for local advisory councils and the community education director.

10. Help plan and recommend a community education budget for approval by the local board of education.

11. Recommend to the board, regulations, guidelines, and fees, if any, for facility usage.

12. Define short and long-range community education goals and objectives.

13. Communicate through inquiring, informing, suggesting, recommending and evaluating community education for the community.

14. Cooperate with other agencies and organizations including the merged area schools and institutions under the control of the state board of regents toward common goals.

15. Perform the functions of the local advisory council in the event that the board determines that the size of the district does not warrant the establishment of a local advisory council.

Sec. 9. NEW SECTION. DUTIES OF LOCAL ADVISORY COUNCIL.  
The local advisory council shall:

1. Determine needs and priorities and provide programs to serve the needs of the community located within the attendance boundaries of an individual school.

2. Provide programming which is available to any community resident.

3. Promote meaningful involvement of the total neighborhood community in its identification and resolution of school and community concerns.

4. Mobilize available human and financial resources of the community to meet the wants and needs in that neighborhood community.

5. Use existing programs and community resources for delivery of services whenever feasible.

6. Use funds as allocated by district-wide advisory council after budget approval by board.

7. Evaluate the success of programs in meeting needs, interests, and concerns and in resolving responsible needs and concerns.

Sec. 10. NEW SECTION. ESTABLISHMENT OF PROGRAM.

1. The board of directors of a local school district may establish a community education program for schools in the district and provide for the general supervision of the program. Financial support for the program shall be provided from funds raised pursuant to chapter three hundred (300) of the Code and from any private funds and any federal funds made available for the purpose of implementing this Act. The program which recognizes that the schools belong to the people and which shall be centered in the schools may include but shall not be limited to the use of the school facilities day and night, year round including weekends and regular school vacation periods for educational, recreational, cultural, and other community services and programs for all age, ethnic, and socioeconomic groups residing in the community.

2. If a community education program is established, the board shall appoint a community education director who shall have professional training in the field of community education, recreation, or comparable experience.

3. Upon establishment of a community education program, the board shall provide for the selection of a district-wide advisory council which shall be responsible to the board and shall cooperate with and assist the board and the local community education director. The board shall also provide for the selection of local advisory councils.

4. The board shall receive an annual report and budget recommendation from the district-wide advisory council and may request supplementary reports as needed.

5. The school districts may cooperate with merged area schools, institutions under the control of the state board of regents, and area education agencies in providing community education programs.

6. The board may use opportunities available under public law ninety-three dash three hundred eighty (P.L. 93-380).

7. The board may approve cooperation and pooling of funds with other school districts.

Sec. 11. NEW SECTION. FUNDING OF COMMUNITY EDUCATION CONCEPT. Residents of the affected school district shall determine if community education will function in their community by providing for funding pursuant to chapter three hundred (300) of the Code.

Sec. 12. Section two hundred eighty-five point one (285.1), subsection twenty-one (21), Code 1977, is amended to read as follows:

21. Boards in districts operating buses may in their discretion transport senior citizens, children, and handicapped and other persons and groups, who are not otherwise entitled to free transportation, and shall collect the pro rata cost of transportation. Transportation under this subsection shall not be provided when the school bus is being used to transport pupils to or from school unless the board determines that such transportation is desirable and will not interfere with or delay the transportation of pupils.

Sec. 13. Section two hundred eighty-five point ten (285.10), subsection nine (9), Code 1977, is amended to read as follows:

9. In the discretion of the board, furnish a school bus and services of a qualified driver to an organization of, or sponsoring activities for, senior citizens, children, or handicapped or other persons and groups in this state. The board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver except when the bus is used for transporting pupils to and from extracurricular activities sponsored by the school. A school bus shall be used as provided in this subsection only at times when it is not needed for transportation of pupils.

Sec. 14. Section two hundred ninety-seven point five (297.5), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The directors in any high school district maintaining a program kindergarten through grade twelve may, by February 4 March fifteenth of each year certify an amount not exceeding twenty-seven cents per thousand dollars of assessed value to the board of supervisors, who shall levy the amount so certified, and the tax so levied shall be placed in the schoolhouse fund and used only for the purchase and improvement of sites in and for said school district as specified by the directors.

Sec. 15. Section two hundred ninety-seven point nine (297.9), Code 1977, is amended to read as follows:

297.9 USE FOR OTHER THAN SCHOOL PURPOSES. The board of directors of any school district may authorize the use of any schoolhouse and its grounds within such district for the purpose of meetings of granges, lodges, agricultural societies, and similar ~~rural-secret-orders-and~~ societies, for parent-teacher associations, for community recreational activities, for community education programs, election purposes, other meetings of public interest, public forums and similar

community purposes; ~~provided, however, that the board may not grant such permission to any organization known or believed to hold views that are in conflict with the republican form of government as set forth in the Constitution of the United States, and for election purposes, and for other meetings of public interest,~~ provided that such use shall in no way interfere with school activities; such use to be for such compensation and upon such terms and conditions as may be fixed by said board for the proper protection of the schoolhouse and the property belonging therein, including that of pupils, except that in the case of community education programs, any compensation necessary for programs provided specifically by community education and not those provided through community education by other agencies or organizations shall be compensated from the funding provided for community education programs.

Sec. 16. Section three hundred point one (300.1), Code 1977, is amended to read as follows:

300.1 ESTABLISHMENT--MAINTENANCE--SUPERVISION. Boards of ~~school~~ directors in school districts containing or contained in any city are hereby authorized to establish and maintain for children and adults in the public school buildings and on the public school grounds under the custody and management of such boards, public recreation places and playgrounds and necessary accommodations for same, without charge to the residents of said school district; also to co-operate with the commissioners or boards having the custody and management in such cities of public parks and public buildings and grounds of whatever sort, and, by making arrangements satisfactory to such boards controlling public parks and grounds, to provide for the supervision, instruction, and oversight necessary to carry on public educational and recreational activities, as described in this section in buildings and upon grounds in the custody and under the management of such commissioners or boards having charge of public parks and public buildings on grounds of whatever sort, in such cities.

Sec. 17. Section four hundred forty-two point four (442.4), subsections one (1) and two (2), Code 1977, are amended to read as follows:

1. Basic enrollment for the budget year beginning July 1, 1979 and each subsequent budget year is determined by adding the resident pupils who were enrolled on the second Friday of ~~January~~ September in the base year in public elementary and secondary schools of the district and in public

elementary and secondary schools in another district or state for which tuition is paid by the district. ~~For the school year beginning July 1, 1975, pupils who were enrolled on the second Friday of January in the base year in special education programs conducted by a county or joint county school system are included in basic enrollment.~~ For the school year beginning July 1, 1975, and each succeeding school year, pupils enrolled in prekindergarten programs other than special education programs are not included in basic enrollment.

Resident pupils of high school age for which the district pays tuition to attend an Iowa area school are included in basic enrollment on a full-time equivalent basis as of the second Friday of January September in the base year for the budget year beginning July 1, 1979 and each subsequent budget year.

Shared-time and part-time pupils of school age, irrespective of the districts in which the pupils reside, are included in basic enrollment as of the second Friday of January September in the base year for the budget year beginning July 1, 1979 and each subsequent budget year, in the proportion that the time for which they are enrolled or receive instruction for the school year is to the time that full-time pupils carrying a normal course schedule, at the same grade level, in the same school district, for the same school year, are enrolled and receive instruction. Tuition charges to the parent or guardian of a shared-time or part-time out-of-district pupil shall be reduced by the amount of any increased state aid occasioned by the counting of the pupil.

Pupils attending a university laboratory school are not counted in any district's basic enrollment, but the laboratory school shall report them directly to the department of public instruction.

A school district shall certify its basic enrollment to the state department of public instruction by January-25 September twenty-fifth of each year, and the department shall promptly forward the information to the state comptroller. For purposes of determining whether a district is entitled to an advance for increasing enrollment, and for record-keeping purposes, a determination of enrollment shall be made on the second Friday of September in the budget year and the second Friday of January in the base year, in the same manner as the January September basic enrollment is determined.

~~However, for the school year beginning July 1, 1974, basic enrollment is equal to the actual enrollment used for that~~

~~year-prior-to-adjustment-for-decreasing-enrollment.~~

2. An adjusted enrollment for each district shall be computed as follows:

~~a. For the school year beginning July 1, 1975, if a district has a decrease from the sum of the basic enrollment in the base year plus adjustments for decreasing enrollment made in the base year, to the basic enrollment in the budget year, the state comptroller shall compute an amount to be added to the basic enrollment for the budget year. The amount to be added is equal to fifty percent of this decrease, to the extent that the decrease does not exceed five percent of the sum of the basic enrollment in the base year plus adjustments made for decreasing enrollment in the base year, and twenty-five percent of the remaining decrease. If the district does not experience this decrease, the adjusted enrollment for the budget year is equal to the basic enrollment for the budget year.~~

b a. For the school years subsequent to the school year beginning July 1, 1975, and prior to the school year beginning July 1, 1979, and for the school years subsequent to the school year beginning July 1, 1979, if a district has a decrease from the basic enrollment in the base year to the basic enrollment in the budget year the state comptroller shall compute an amount to be added to the basic enrollment for the budget year. The amount to be added is equal to fifty percent of the basic enrollment decrease to the extent that it does not exceed five percent of the base year's basic enrollment, and twenty-five percent of the remaining basic enrollment decrease. If the school district does not experience a decrease from the basic enrollment in the base year to the basic enrollment in the budget year the adjusted enrollment for the budget year is equal to the basic enrollment for the budget year.

b. For the school year beginning July 1, 1979, if a district has a decrease from the basic enrollment in the base year to the basic enrollment in the budget year the state comptroller shall compute an amount to be added to the basic enrollment for the budget year. The amount to be added is equal to one hundred percent of the basic enrollment decrease to the extent that it does not exceed two and one-half percent of the base year's basic enrollment, and fifty percent of the remaining basic enrollment decrease. If the school district's basic enrollment in the base year is equal to or less than the basic enrollment for budget year the adjusted

enrollment shall equal the basic enrollment for the budget year.

Sec. 18. Section four hundred forty-two point five (442.5), subsection one (1), paragraph a, Code 1977, is amended to read as follows:

a. "Miscellaneous income" means all receipts deposited to the general fund of a school district which are not obtained from state aid provided under section 442.1 or 442.11, or from property tax authorized under section 442.2 or 442.9. Miscellaneous income includes property tax levied under the provisions of section six hundred thirteen A point seven (613A.7) of the Code, to fund the costs of tort liability insurance for the school district.

Sec. 19. Section four hundred forty-two point seven (442.7), subsections one (1), two (2), three (3), four (4), and five (5), Code 1977, are amended to read as follows:

~~1. For the school year beginning July 1, 1975, the state percent of growth is ten and seven-tenths percent.~~

~~Seven-tenths of one percent of the state percent of growth is to compensate for the cost of improvements to the Iowa public employees' retirement system and also to fund a portion of the cost of driver education classes offered by the district and formerly funded partly by a state appropriation.~~

2 1. For school years subsequent to the school year beginning July 1, ~~1975~~ 1978, a state percent of growth for the budget year shall be computed by the state comptroller prior to ~~February 15 of each~~ September fifteenth in the base year and forwarded to the superintendent of public instruction. The state percent of growth shall be an average of the following four percentages of growth:

a. The difference in the state general fund revenues received during the year, adjusted for changes in rates or basis, computed or estimated as a percentage of change for each of the following periods:

(1) From the year immediately preceding the base year to the base year.

(2) From the base year to the budget year.

b. The difference in the Iowa consumer price index which shall be computed by the state comptroller prior to January 1, 1976, and recomputed each month subsequent to January 1, 1976, based upon a comprehensive sampling of the costs of goods and services within Iowa, and until an Iowa consumer price index is available, the consumer price index published by the bureau of labor statistics, United States department

of labor computed or estimated as a percentage of change for the following periods:

(1) From ~~July-4~~ January first of the year prior to the base year to July-4 January first of the budget base year.

(2) From ~~July-4~~ January first of the budget base year to July-4 January first of the year-immediately-following the budget year.

3 2. If the state percent of growth so computed is negative, that percentage shall not be used and the state percent of growth shall be zero.

4 3. Each year prior to ~~February-15~~ September fifteenth the state comptroller shall recompute the state percent of growth for the previous year using adjusted estimates and the actual figures available. The difference between the recomputed state percent of growth for the base year and the original computation shall be added to or subtracted from the state percent of growth for the budget year, as applicable.

~~5. The state comptroller shall compute an estimated state percent of growth for the budget year prior to September-15 in the base year and shall forward this estimate to the superintendent of public instruction.~~

Sec. 20. Section four hundred forty-two point seven (442.7), subsection seven (7), paragraph a, Code 1977, is amended to read as follows:

a. If the state cost per pupil in the base year minus the amount included in the state cost per pupil in the base year to compensate for the cost of special education support services exceeds the district cost per pupil in the base year minus the amount included in the district cost per pupil in the base year to compensate for the cost of special education support services, the basic allowable growth per pupil for the budget year is modified to equal the lesser of one hundred twenty-five percent of the basic-allowable-growth product obtained by multiplying the state percent of growth for the budget year times an amount equal to the state cost per pupil for the base year less the average amount for special education support service costs per pupil for the budget base year or an amount sufficient to equalize the district cost per pupil in the budget year, excluding the district's amount per pupil for special education support service costs, with the state cost per pupil in the budget year, excluding the average amount per pupil for special education support service costs.

Sec. 21. Section four hundred forty-two point seven (442.7), subsection eight (8), Code 1977, is amended by

striking the subsection.

Sec. 22. Section four hundred forty-two point eight (442.8), Code 1977, is amended to read as follows:

442.8 STATE COST PER PUPIL. As used in this chapter, ~~"state cost per pupil" for the school year beginning July 1, 1974, and prior school years means state cost per pupil in enrollment as enrollment was determined under section 442.4 prior to January 1, 1975, and~~ "state cost per pupil" for the school year beginning July 1, 1975, and subsequent school years means state cost per pupil in weighted enrollment. The state cost per pupil for the school year beginning July 1, 1972, is nine hundred three dollars. The state cost per pupil for the school year beginning on July 1, 1973, and for each succeeding school year is the base year's state cost per pupil plus the allowable growth for the budget year. If the state percent of growth is zero, the state cost per pupil shall be the same as the base year's state cost per pupil.

~~For the school year beginning July 1, 1975, the allowable growth added to the state cost per pupil shall be the basic allowable growth as otherwise computed under section 442.7, increased by an amount equal to the average of the amounts of allowable growth added for each school district in the state for special education support services provided through the area education agencies under sections 273.9, subsection 3, and 442.7, subsection 7, paragraph "e".~~ For each succeeding school year subsequent to the school year beginning July 1, 1975, the allowable growth added to the state cost per pupil as otherwise computed under section 442.7 shall be the basic allowable growth increased by an amount equal to the average of the amounts of allowable growth added for each school district in the state for additional special education support services needed for that year to serve newly identified children who require the services, under sections 273.9, subsection 3 and 442.7, subsection 7, paragraph "d". The state comptroller shall compute the applicable amount of allowable growth to be added to the state cost per pupil for each school year.

Sec. 23. Section four hundred forty-two point nine (442.9), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Extraordinary Session, chapter two (2), section one (1), is amended to read as follows:

442.9 DISTRICT COST PER PUPIL--DISTRICT COST--ADDITIONAL SCHOOL DISTRICT PROPERTY TAX LEVY.

1. The state comptroller shall determine the additional school district property tax levy for each school district, which is in addition to the foundation property tax levy, as follows:

a. As used in this chapter, "district cost per pupil" ~~for-the-school-year-beginning-July-1, 1974, and for prior school years means the district cost per pupil in enrollment, as enrollment was determined under section 442.4 prior to January 1, 1975, and "district cost per pupil"~~ for the school year beginning July 1, 1975, and subsequent school years means district cost per pupil in weighted enrollment. The district cost per pupil for the budget year is equal to the district cost per pupil for the base year plus the allowable growth.

b. The district cost for the budget year is equal to the district cost per pupil for the budget year multiplied by the weighted enrollment, plus the additional district cost allocated to the district under section 442.27 to fund media services and other services provided through the area education agency. A school district may not increase its district cost for the budget year except to the extent that an excess tax levy is authorized by the school budget review committee as provided in section 442.13, ~~subsection 7.~~

c. The amount to be raised by the additional school district property tax levy is equal to the district cost for the budget year, less the product of the state or district foundation base and the weighted enrollment.

2. No later than May 4 first of each year, the state comptroller shall notify the county auditor of each county the amount, in dollars and cents per thousand dollars of assessed value, of the additional property tax levy in each school district in the county. Each county auditor shall spread the additional property tax levy for each school district over all taxable property in the district.

Sec. 24. Section four hundred forty-two point thirteen (442.13), subsection five (5), paragraph c, Code 1977, is amended to read as follows:

c. Unusual transportation problems and for which the per pupil transportation costs are substantially higher than the state average per pupil transportation costs due to sparsity of the population, topographical factors, and other obstacles which hinder the efficient transportation of pupils.

Sec. 25. Section four hundred forty-two point thirteen (442.13), subsection five (5), Code 1977, is amended by adding

the following new paragraph:

NEW PARAGRAPH. Any unique problems of districts to include minority problems, vandalism, civil disobedience and other costs incurred by school districts.

Sec. 26. Section four hundred forty-two point fourteen (442.14), Code 1977, is amended to read as follows:

442.14 ADDITIONAL ENRICHMENT AMOUNT.

1. For the budget year beginning July 1, ~~1976~~ 1979, and each succeeding school year, if a school board wishes to spend more than the amount permitted under sections 442.1 to 442.13, and the school board has not attempted by resolution to raise an additional enrichment amount for that budget year, the school board may raise an additional enrichment amount not to exceed ~~five~~ ten percent of the state cost per pupil multiplied by the adjusted enrollment in the district, as provided in this section. However, the additional enrichment amount may be used only for educational research, curriculum maintenance or development, or innovative programs.

2. The board shall determine the additional enrichment amount per pupil needed, within the limits of this section, and shall direct the county commissioner of elections to submit the question of whether to raise that amount under the provisions of this section and section 442.15, to the qualified electors of the school district at a regular ~~or special~~ school election held ~~not-later-than-February-15~~ during September of the base year. If a majority of those voting favors raising the enrichment amount, the board may include the approved amount in its certified budget.

3. The additional enrichment amount needed shall be raised within the limits provided in this section by a combination of an enrichment property tax and a school district income surtax imposed in the proportion of a property tax of twenty-seven cents per thousand dollars of assessed valuation of taxable property in the district for each ~~two-and-one-half~~ five percent of income surtax.

4. The additional enrichment amount for a district is limited to the amount which may be raised by a combination tax in the prescribed proportion which does not exceed a property tax of ~~fifty-four~~ one dollar and eight cents per thousand dollars of assessed valuation and an income surtax of ~~five~~ twenty percent.

5. Any additional enrichment amount of a school district, not exceeding five percent of the state cost per pupil, which was approved at a referendum prior to July 1, 1978, shall

remain in effect for the period for which it was approved.

Sec. 27. Section four hundred forty-two point fifteen (442.15), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

An additional enrichment amount authorized under section 442.14 or a lesser amount than the amount so authorized may be continued as provided in this section for a period of five school years. If the amount authorized is less than the maximum of five ten percent of the state cost per pupil and the board wishes to increase the amount, it shall re-establish its authority to do so in the manner provided in section 442.14. If the board wishes to continue any additional enrichment amount beyond the five-year period, it shall re-establish its authority to do so in the manner provided in section 442.14 within the twelve-month period prior to termination of the five-year period.

Sec. 28. Section four hundred forty-two point twenty-eight (442.28), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If a district's weighted enrollment on the second Friday of September in the budget year, determined in the same manner as the January September weighted enrollment is determined under section 442.4, is higher than its weighted enrollment on the second Friday of January September in the base year, the district is entitled to an advance from the state of an amount equal to its district cost per pupil less the amount per pupil for special education support services, media services and other services computed as a part of district cost under the provisions of section 442.7 and section 442.27 for the budget year multiplied by its increase in weighted enrollment. The advance shall be miscellaneous income.

Sec. 29. For the school year beginning July 1, 1979, the state cost per pupil shall be increased to an amount which would otherwise have resulted for the school year beginning July 1, 1979, if the surplus balances for area education agency support services and for area education inherited funds had not been offset against the total support budgets for the school year beginning July 1, 1978. This adjustment is to compensate for the reductions made to state cost based upon the temporary offset of support budgets by certain area education agency fund balances.

Sec. 30. Notwithstanding the provisions of House File four hundred sixty-three (463), as enacted by the Sixty-seventh General Assembly, 1978 Session, as it pertains to the amount

of the reduction to the support service costs to be allocated among the school districts, the amount of the special education support services cost to be reduced for area education agency thirteen (XIII) is equal to ninety-nine thousand eight hundred ninety-nine dollars rather than a reduction of one hundred twenty-one thousand one hundred twenty dollars.

Sec. 31. To meet the special problems that result from budget reductions due to declining enrollments prior to the modifications in the adjustments for declining enrollments to take effect commencing with the school year beginning July 1, 1979, there is appropriated from the general fund of the state for the fiscal years beginning July 1, 1978 and ending June 30, 1980, to the school budget review committee the sum of two million five hundred thousand (2,500,000) dollars, or so much thereof as necessary to be used to minimize the impact of the factor listed in paragraph two (2) of this section. The school budget review committee may also establish a modified allowable growth for the school district by increasing the allowable growth for the school district to provide additional funds to assist the school district with hardships which result from the impact on the school district's budget resulting from declining enrollment.

To assess whether a district has hardships resulting from reduced funds because of declining enrollment, the school budget review committee shall consider whether the school district will be forced to terminate an existing educational program because of insufficient funds and thus diminish the overall quality of the school program for the budget year from that provided in the base year.

Sec. 32. The legislative council is directed to establish a joint subcommittee of the House and Senate committees on education composed of members of both parties to study the information received from the department of public instruction federally financed state equalization of educational opportunity study which is scheduled for completion in September of 1978. The Sixty-seventh General Assembly recognizes the needs of pupils for equal educational opportunity can be improved over the existing school finance formula. The weighting system to provide the funds necessary to assist in the education of children requiring special education has greatly assisted Iowa's educational program to meet the needs of these pupils, placing Iowa's program as one of the best in the nation for children requiring special education. It is recognized that a funding system designed

to meet the educational and financial needs of children may require a substantial rewriting of the current school finance system. The subcommittee shall prepare a final report and submit necessary bill drafts to implement the recommendations of the subcommittee to the Sixty-eighth General Assembly.

Sec. 33. For the school years beginning July 1, 1979 and July 1, 1980 only, a school district may make application to the department of public instruction for approval of a program of instruction for gifted and talented children to be funded by an increase in allowable growth, as defined in section four hundred forty-two point seven (442.7) of the Code. The department shall promulgate rules under the provisions of chapter seventeen A (17A) of the Code relating to administration of sections thirty-three (33) through thirty-eight (38) of this Act.

Sec. 34. The program plans submitted by school districts shall describe the type of program to be offered and shall establish all of the following:

1. That there are sufficient gifted and talented children within the district.
2. That the gifted and talented children program will be provided by the most appropriate educational agency.
3. That the school district or other educational agency providing the gifted and talented children program has employed qualified personnel.
4. That the instruction is a natural and normal progression of a planned course of instruction.
5. That the revenue raised for support of the gifted and talented program will be expended for actual delivery of a gifted and talented children program.
6. Other factors as the department may require.

Sec. 35. "Gifted and talented children" are those identified as possessing outstanding abilities who are capable of high performance. Gifted and talented children are children who require differentiated educational programs or services beyond those provided by the regular school program.

Gifted and talented children include those with demonstrated achievement or potential ability in any two or more of the following areas:

1. Creative thinking.
2. Leadership ability.
3. Visual and performing arts ability.
4. Specific ability aptitude.
5. Intellectual ability.

Sec. 36. The department of public instruction may approve gifted and talented children programs for the school years beginning July 1, 1979 and July 1, 1980 only, for not more than ten school districts in this state, including districts of various enrollments and geographic locations.

Sec. 37. The department shall inform the school budget review committee of the names of the school districts approved for gifted and talented children programs and the approved budget of each program. The school budget review committee shall approve a modified allowable growth for each such district as an unusual circumstance, under the authority granted to it in section four hundred forty-two point thirteen (442.13) of the Code, to provide funds equal to the budget approved by the department of public instruction.

Sec. 38. The area education agencies in which the school districts having approved gifted and talented children programs are located shall cooperate with the school district in the identification and placement of gifted and talented children and may assist school districts in the establishment of such programs.

Sec. 39. If the voters of a school district have approved the levying of a tax pursuant to section three hundred point two (300.2) of the Code prior to the effective date of this Act, moneys collected pursuant to the voted tax levy after the effective date of this Act may be used for community education programs.

Sec. 40. The purpose of sections seventeen (17) and thirty-one (31) of this Act is to allow school districts to meet the increasing financial pressures caused by declining enrollment by providing an appropriation to the school budget review committee for the 1978-1980 school years and establishing a temporary modified adjusted enrollment for the 1979-1980 school year.

Sec. 41. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in *The Sun & The Hawkeye Record-Herald*, a newspaper published in Mount Vernon, Iowa, and in the *Adams County Free Press*, a newspaper published in Corning, Iowa.

Approved June 22, 1978

I hereby certify that the foregoing Act, House File 2361, was published in *The Sun & The Hawkeye Record-Herald*, Mount Vernon, Iowa on June 28, 1978, and in the *Adams County Free Press*, Corning, Iowa on July 6, 1978.

MELVIN D. SYNHORST, *Secretary of State*