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EDUCATION

HOUSE FILE 309
BY FREVERT and MERTZ

(COMPANION TO LSB 1036SS
BY KIBBIE)

Passed House, (P. 756) Date 3/19/01 Passed Senate, (P. 1026) Date 4-9-01
Vote: Ayes 97 Nays 0 Vote: Ayes 45 Nays 0
Approved April 18, 2001

A BILL FOR

1 An Act to legalize participation in an instructional support
2 program by the West Bend-Mallard Community School District and
3 providing an effective and retroactive applicability date.
4 WHEREAS, on September 11, 1990, the registered voters of the
5 Mallard Community School District approved the district's
6 participation in an instructional support program for a period
7 not exceeding ten years beginning on July 1, 1991, and ending on
8 June 30, 2001, pursuant to section 257.18; and
9 WHEREAS, on January 18, 1994, the West Bend Community School
10 District Board adopted a resolution to participate in an
11 instructional support program for a period not exceeding five
12 years beginning on July 1, 1994, and ending on June 30, 1999,
13 pursuant to section 257.18; and
14 WHEREAS, on July 1, 1995, the Mallard Community School
15 District and the West Bend Community School District were
16 reorganized as the West Bend-Mallard Community School District,
17 pursuant to chapter 275; and
18 WHEREAS, section 257.18 provides that if school districts
19 involved in a school reorganization under chapter 275 have
20 approved an instructional support program, and registered voters
21 have not voted upon the question of participation in the program

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1 in the reorganized district, the instructional support program in
2 effect for the reorganized school district shall be the
3 instructional support program that has been approved for the
4 least amount and the shortest time in any of the districts; and

5 WHEREAS, funding for the instructional support program
6 continued after July 1, 1995, the effective date of the
7 reorganization of the West Bend-Mallard Community School
8 District, and moneys were paid to the reorganized school district
9 as instructional support state aid and were received from local
10 funding using a combination of an instructional support property
11 tax and an instructional support income surtax as provided in
12 section 257.19; and

13 WHEREAS, the West Bend-Mallard Community School District has
14 continued to participate in the instructional support program
15 after June 30, 1999, the date when the instructional support
16 program originally approved by the West Bend Community School
17 District Board was no longer effective; and

18 WHEREAS, on September 12, 2000, the registered voters of the
19 West Bend-Mallard Community School District approved the
20 district's participation in the instructional support program in
21 compliance with section 257.18 commencing July 1, 2001; NOW
22 THEREFORE,

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

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1 Section 1. All acts and proceedings relating to the
2 instructional support program for the West Bend-Mallard
3 Community School District, due to the failure to approve an
4 instructional support program as provided in section 257.18
5 beginning on July 1, 1999, and ending on June 30, 2001, are
6 legalized, validated, and confirmed.

7 For purposes of this section, an act or proceeding includes
8 but is not limited to all of the following:

9 1. The failure of the district's board of directors to
10 adopt a resolution to participate in an instructional support
11 program or the failure of registered voters in the district to
12 approve an instructional support program as provided in
13 section 257.18.

14 2. The assessment, imposition, collection, receipt,
15 deposit, and expenditure of state and local moneys used to
16 fund the instructional support program as provided in chapter
17 257.

18 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act,
19 being deemed of immediate importance, takes effect upon
20 enactment and is retroactively applicable to July 1, 1999.

21 EXPLANATION

22 This bill legalizes an instructional support program which
23 was continued in violation of Code section 257.18. Under that
24 section, a school district may provide for an instructional
25 support program that may be funded in part by local funding
26 (an instructional support property tax, an instructional
27 support income surtax, or a combination of both).

28 In 1990, the registered voters of the Mallard Community
29 School District approved the action of the district's
30 participation in an instructional support program for 10
31 years. In 1994, the West Bend Community School District Board
32 adopted a resolution to participate in an instructional
33 support program for five years. In 1995 the Mallard Community
34 School District and the West Bend Community School District
35 were reorganized as the West Bend-Mallard Community School

1 District. The instructional support program remained in
2 place, notwithstanding Code section 257.18, which provides
3 that if school districts involved in a school reorganization
4 have approved an instructional support program, and registered
5 voters have not voted upon the question of participation in
6 the program in the reorganized district, the instructional
7 support program is in effect for the reorganized school
8 district for the least amount and the shortest time in any of
9 the districts. In 2000, the registered voters of the West
10 Bend-Mallard Community School District approved the district's
11 continued participation in the instructional support program,
12 effective July 1, 2001.

13 The bill provides that all acts and proceedings relating to
14 the instructional support program for the West Bend-Mallard
15 Community School District, due to the failure to approve an
16 instructional support program as provided in Code section
17 257.18 beginning on July 1, 1999, and ending on June 30, 2001,
18 are legalized, validated, and confirmed.

19 This bill takes effect upon enactment and is retroactively
20 applicable to July 1, 1999.

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HOUSE FILE 309

AN ACT

TO LEGALIZE PARTICIPATION IN AN INSTRUCTIONAL SUPPORT PROGRAM
BY THE WEST BEND-MALLARD COMMUNITY SCHOOL DISTRICT AND
PROVIDING AN EFFECTIVE AND RETROACTIVE APPLICABILITY DATE.

WHEREAS, on September 11, 1990, the registered voters of the Mallard Community School District approved the district's participation in an instructional support program for a period not exceeding ten years beginning on July 1, 1991, and ending on June 30, 2001, pursuant to section 257.18; and

WHEREAS, on January 18, 1994, the West Bend Community School District Board adopted a resolution to participate in an instructional support program for a period not exceeding five years beginning on July 1, 1994, and ending on June 30, 1999, pursuant to section 257.18; and

WHEREAS, on July 1, 1995, the Mallard Community School District and the West Bend Community School District were reorganized as the West Bend-Mallard Community School District, pursuant to chapter 275; and

WHEREAS, section 257.18 provides that if school districts involved in a school reorganization under chapter 275 have approved an instructional support program, and registered voters have not voted upon the question of participation in the program in the reorganized district, the instructional support program in effect for the reorganized school district shall be the instructional support program that has been approved for the least amount and the shortest time in any of the districts; and

WHEREAS, funding for the instructional support program

continued after July 1, 1995, the effective date of the reorganization of the West Bend-Mallard Community School District, and moneys were paid to the reorganized school district as instructional support state aid and were received from local funding using a combination of an instructional support property tax and an instructional support income surtax as provided in section 257.19; and

WHEREAS, the West Bend-Mallard Community School District has continued to participate in the instructional support program after June 30, 1999, the date when the instructional support program originally approved by the West Bend Community School District Board was no longer effective; and

WHEREAS, on September 12, 2000, the registered voters of the West Bend-Mallard Community School District approved the district's participation in the instructional support program in compliance with section 257.18 commencing July 1, 2001; NOW THEREFORE,

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

Section 1. All acts and proceedings relating to the instructional support program for the West Bend-Mallard Community School District, due to the failure to approve an instructional support program as provided in section 257.18 beginning on July 1, 1999, and ending on June 30, 2001, are legalized, validated, and confirmed.

For purposes of this section, an act or proceeding includes but is not limited to all of the following:

1. The failure of the district's board of directors to adopt a resolution to participate in an instructional support program or the failure of registered voters in the district to approve an instructional support program as provided in section 257.18.

2. The assessment, imposition, collection, receipt, deposit, and expenditure of state and local moneys used to

fund the instructional support program as provided in chapter 257.

Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to July 1, 1999.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 309, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved April 18, 2001

THOMAS J. VILSACK
Governor