

1 SEC. 10. The board of education is authorized to accept, for the  
 2 benefit of such hospital-schools, gifts, devises, or bequests of prop-  
 3 erty, real or personal including grants from the federal government.  
 4 Said board may exercise such powers with reference to the manage-  
 5 ment, sale, disposition, investment, or control of property so given,  
 6 devised, or bequeathed, as may be deemed essential to its preservation  
 7 and the purposes for which made. No contribution or grant shall be  
 8 received or accepted if any condition is attached as to its use or  
 9 administration other than it be used for aid to such hospital-schools  
 10 as provided in this act.

Approved April 23, 1947.

## CHAPTER 147

Referred to in chapter 150, § 5.

### COUNTY SCHOOL SYSTEM

S. F. 245

AN ACT creating a county school system, relating to the operation thereof and to the county board of education, the county superintendent of schools and his assistants, the manner of their selection and prescribing their duties and powers and providing for the selection of textbooks for said system.

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

1 SECTION 1. There is hereby created in each of the several counties  
 2 of the state, a county school system which shall become effective on  
 3 the first Monday in April, 1948, and which shall be a part of the  
 4 public school system of the state.

1 SEC. 2. The county school system shall embrace all the public  
 2 schools of the county, except independent and consolidated school  
 3 districts that maintain four-year high schools and shall be under  
 4 the direction of the county board of education as provided in this  
 5 act. Any independent school district or consolidated school district  
 6 may become a part of the county school system upon approval by  
 7 the voters of the district in the manner provided in chapter two  
 8 hundred seventy-eight (278), Code 1946, and notifying the county  
 9 superintendent, the superintendent of public instruction and the  
 10 county auditor, in which case the district shall become a part of  
 11 the county school system on the first secular day of July next following.  
 12 The county board of education shall effect no change in the operation  
 13 of the schools in said district coming into the county school system  
 14 prior to the first of July following its becoming a part of the county  
 15 school system.

16 An independent or consolidated school district joining the county  
 17 school system by such vote, situated in more than one county shall  
 18 be a part of the county school system of the county in which the  
 19 building is located.

20 In the event an independent school district or consolidated school  
 21 district is proposed to be formed from one or more school districts  
 22 within the county school system, the new district shall be a part of  
 23 the county school system unless composed in part of an independent

24 or consolidated district maintaining an approved four year high  
25 school not in the county school system.

1 SEC. 3. The county board shall exercise such powers as are  
2 specifically assigned to it by law. In general their powers and duties  
3 shall relate to matters affecting the county school system as a whole  
4 rather than specific details relating to individual schools or districts.  
5 It shall be the duty of the county board after considering the recom-  
6 mendations of the county superintendent to exercise the following  
7 general powers:

8 (1) The county board shall determine and adopt such policies as  
9 are deemed necessary by it for the efficient operation and general  
10 improvement of the county school system.

11 (2) The county board shall adopt such rules and regulations as  
12 in its opinion will contribute to the more orderly and efficient operation  
13 of the county school system.

14 (3) The county board shall adopt such minimum standards as  
15 are considered desirable by it for improving the county school  
16 system.

17 (4) The county board shall have the power to perform those  
18 duties and exercise those responsibilities which are assigned to it  
19 by law and which are not in conflict with the powers and duties  
20 assigned to the local board by law, in order to improve the county  
21 school system and carry out the objectives and purposes of the  
22 school laws of Iowa.

1 SEC. 4. The territory of the entire county shall be divided into  
2 four election areas, as nearly as possible of equal size and contiguous  
3 territory, to be designated as the first, the second, the third and the  
4 fourth election areas. Where districts have territory in more than  
5 one county, the district will belong to the election area of the county  
6 where the school buildings are located. In the event of changes in  
7 the limits of school districts, the county board of education shall  
8 make any such adjustments as may be necessary to equalize the  
9 territorial size of the election areas, provided that no such change  
10 shall be made less than sixty days prior to the date of the annual  
11 school election.

12 On or before the first day of December 1947, in each county of the  
13 state, the county board of education then existing under the provisions  
14 of chapter two hundred seventy-three (273), Code 1946, shall meet  
15 in special session and make the division provided for in this section.

1 SEC. 5. The county board of education shall consist of five  
2 members, electors of the county, one member to be elected from  
3 each of the four election areas by the electors of the respective  
4 areas, one member to be elected at large from the area of the county  
5 school system by the electors thereof. Their terms of office shall  
6 commence on the first Monday in April following their election. All  
7 the members of the county board of education shall be first elected  
8 at the regular school election to be held on the second Monday in  
9 March 1948, and at the first regular meeting of the board on the  
10 following first Monday in April, the term of office of each of the  
11 five members shall be determined by lot, one member to serve for  
12 one year, two members to serve for three years and two members

13 to serve for five years, and the result of such determination showing  
14 the name of each member, the area from which elected, and the  
15 term so determined shall be entered of record on the minutes of the  
16 board and shall be conclusive as to the term of the members. There-  
17 after, elections to the county board of education shall be held at the  
18 annual school elections in odd-numbered years for members whose  
19 terms expire on the first Monday in April following said elections  
20 and their term of office shall be for six years. Vacancies on said  
21 board shall be filled at the next regular meeting of the board by  
22 appointment by the remaining members of the board until the next  
23 odd-numbered year election at which election a member shall be  
24 elected to fill the vacancy for the balance of the unexpired term. A  
25 vacancy shall be defined as in section two hundred seventy-seven  
26 point twenty-nine (277.29), Code 1946.

1 SEC. 6. Nomination papers in behalf of a candidate for member  
2 of the county board of education shall be filed with the county  
3 superintendent of schools not more than forty-five (45) days, nor  
4 less than twenty (20) days prior to the election at which a member  
5 is to be elected. Each candidate shall be nominated by a petition  
6 signed by not less than twenty-five (25) qualified electors of the  
7 area from which a member is to be elected, which petition shall state  
8 the name of the area from which a member is to be elected, the office  
9 to which he is to be elected, the name of the candidate and that he  
10 is a resident and elector in the named area. Signers of the petition  
11 shall, in addition to signing their names, show their residence, in-  
12 cluding street and number, if any, the school district in which they  
13 reside, and the date of signing, and each nomination paper shall  
14 have appended to it an affidavit of an elector other than the candidate  
15 in substantially the form provided in section six hundred seventy-  
16 four (674), Code 1946, except as to the party affiliation.

1 SEC. 7. The county board of education shall cause to be printed  
2 the ballots for the election of members of the county board of  
3 education, and not later than five (5) days before the election shall  
4 deliver to the secretaries of the respective school districts a sufficient  
5 number of ballots for use of the electors in the respective districts.  
6 The ballots shall be printed and shall contain the names of all nominees  
7 for each particular election area arranged in alphabetical order by  
8 surname under the heading of the particular election area in which  
9 the vacancy occurs.

10 The board shall likewise provide a sufficient number of forms on  
11 which the judges and clerks of election shall make returns to  
12 respective secretaries of the school districts, and upon which  
13 secretaries shall make returns to the county board of education.

1 SEC. 8. The ballots cast at any election for membership on the  
2 board shall be counted by the judges of election and return thereof  
3 shall be made by the judges on forms provided therefor to the  
4 secretary of the school district within forty hours after the closing  
5 of the polls. Within five days following the election, the secretary  
6 of each school district shall make return of the votes cast in said  
7 district to the county board of education on forms provided therefor,  
8 which board shall meet at ten o'clock A.M. on the last Monday in  
9 March, and canvass the vote and issue certificates of election.

1 SEC. 9. The members of the board shall qualify by taking the oath  
2 required of county officers but shall not be required to give bond. They  
3 shall serve without compensation, but shall be paid their actual and  
4 necessary expenses including travel, in performing their duties.  
5 All such claims shall be audited by the board and paid from the  
6 county board of education fund.

1 SEC. 10. The county board of education shall meet and organize on  
2 the first Monday in April in each odd-numbered year, at ten o'clock  
3 A.M. by electing a president for a term of two years, provided that the  
4 organization meeting of the board as first elected under this act  
5 shall be on the first Monday in April, 1948.

1 SEC. 11. The board shall meet regularly four times each year  
2 according to a schedule adopted at the organization meeting and  
3 shall meet in special session upon call of the president or upon call  
4 of the secretary when a request is filed with the secretary signed  
5 by two members of the board.

1 SEC. 12. The board of supervisors shall furnish at the county seat,  
2 suitable space for the office of the county superintendent and for  
3 the officers of the county board of education, together with adequate  
4 storage space.

1 SEC. 13. The county board of education shall:

2 1. Appoint a county superintendent of schools provided in  
3 this act and fix his salary. The board shall also fix traveling  
4 expense of the superintendent. Upon the recommendation of the  
5 county superintendent, the county board may appoint an assistant  
6 county superintendent and such other supervisory, and clerical  
7 assistants, as are deemed necessary and fix their salaries and duties.  
8 During the absence or disability of the superintendent the assistant  
9 superintendent shall perform all the duties of the county super-  
10 intendent.

11 2. Select a county attendance officer, if deemed expedient, on  
12 recommendation of the county superintendent, either on a part or  
13 full-time basis; and fix his duties and salary within limits prescribed  
14 by law.

15 3. Approve the curriculum as recommended by the county super-  
16 intendent in conformity with the course of study prescribed by the  
17 state department of public instruction.

18 4. Adopt textbooks and other instructional aids for rural school  
19 districts under the administration of the county superintendent,  
20 and purchase, sell, rent or loan them as provided in sections three  
21 hundred one point fifteen (301.15), to three hundred one point  
22 twenty-eight (301.28), Code 1946, and serve as a central depository  
23 and purchasing agent of such books and instructional aids for school  
24 districts under its jurisdiction, and make proper accounting for same.

25 5. Purchase and provide such general school supplies, school board  
26 supplies, and other materials as are necessary to the conduct of  
27 its office.

28 6. Adopt rules and regulations, where deemed expedient, and  
29 make provisions for establishment and maintenance of county school  
30 libraries, in conformity with the provision of chapter two hundred  
31 ninety-two (292), Code 1946.

32 7. Enforce all laws, and rules and regulations of the department  
33 of public instruction for the transportation of pupils to and from  
34 public school in all school districts of the county.

35 8. Act with the county superintendent as an appeal board in and  
36 for all school districts of the county, in all matters properly brought  
37 before it as provided by law.

38 9. Cooperate with federal, state, county and municipal agencies,  
39 and with local school officers in territory adjacent to, but outside  
40 the county, in all matters relating to the improvement of the educa-  
41 tional program, when deemed expedient.

42 10. At the regular or a special meeting held between July 1 and  
43 July 15, consider the budget as submitted by the county superintend-  
44 ent, and certify to the board of supervisors the estimates of the  
45 amounts needed. Such estimates shall follow the budget procedure  
46 under chapter twenty-four (24), Code 1946. The board of supervisors  
47 shall then levy a tax on all the taxable property in the county for  
48 the amount certified, and the money so raised shall go into a fund  
49 hereinafter called the county board of education fund.

50 11. At each meeting of the board, audit all bills and claims which  
51 upon approval shall be paid by warrants of the county auditor,  
52 upon the written order of the secretary, countersigned by the pres-  
53 ident, from the county board of education fund. All regular employees  
54 of the board shall be paid monthly by warrants drawn on the above  
55 fund by the county auditor.

56 12. Under the direction of the department of public instruction,  
57 with the assistance of the county superintendent and the cooperation  
58 of the boards of the districts within the county, plan and supervise  
59 the orderly reorganization of districts, by union, merger or centraliza-  
60 tion, into larger and more efficient attendance and administrative  
61 units. No reorganization shall be submitted to a vote of the people  
62 of the district until the plan of reorganization has been referred  
63 to and approved by the county board of education, and the super-  
64 intendent of public instruction.

1 SEC. 14. In each county of the state, the county board of education  
2 shall appoint a county superintendent whose term of office shall be  
3 for three years, from the first secular day in August following his  
4 election and until his successor is elected and qualified. The first  
5 regular term under the provisions of this act shall begin the first  
6 secular day in August in 1948. The president of the board shall  
7 certify the appointment to the county auditor and to the state super-  
8 intendent of public instruction. The county superintendent who is  
9 in office on the first Monday in April, 1948, shall remain until his  
10 successor is appointed and qualified as provided herein.

1 SEC. 15. The county superintendent may be of either sex, shall  
2 be a graduate of an accredited university or college, or a four-year  
3 course above the secondary level in an accredited normal school,  
4 the holder of a superintendent's certificate, and shall have had at  
5 least five years experience in administrative or supervisory work  
6 or in teaching; provided that anyone serving as a legally qualified  
7 county superintendent on the effective date of this act shall be deemed  
8 qualified to fill the office of county superintendent.

9 The qualifications of an assistant county superintendent shall be  
10 the same as for the county superintendent.

1 SEC. 16. The county superintendent shall qualify by subscribing  
2 to the oath required of county officers, and filing a bond as provided  
3 in section sixty-four point eight (64.8), Code 1946.

1 SEC. 17. Vacancies in the office of county superintendent shall be  
2 filled for the unexpired term by the county board of education in  
3 the same manner in which the county superintendent is regularly  
4 appointed for the unexpired term. If a vacancy is not filled by the  
5 county board within forty days the superintendent of public instruc-  
6 tion shall appoint a county superintendent who shall serve until  
7 the next regular election and until his successor is elected and  
8 qualified.

1 SEC. 18. The county superintendent shall, under the direction of  
2 the board, exercise the following powers and duties:

3 1. Act as secretary, ex officio, and executive officer of the board.

4 2. Preside at the organization meeting of the county board on  
5 the first Monday in April in the odd-numbered year of each biennium,  
6 and transmit to the state superintendent within two weeks following  
7 such meeting a certified copy of the proceedings of organization,  
8 including the schedule of regular meetings and the names and  
9 addresses of all county school officials.

10 3. Attend all regular and special meetings of the county board,  
11 and advise the board on all questions under consideration.

12 4. Provide for keeping the minutes of all meetings of the board,  
13 recording all proceedings and official actions and keeping such other  
14 records as may be necessary for complete information regarding  
15 the schools under his administration and supervision.

16 5. Act for the county board as custodian of records, reports,  
17 documents, correspondence, or other school property that may be  
18 placed in his charge by the board.

19 6. Advise and counsel local boards of education concerning their  
20 immediate problems and the general development of a long-time  
21 plan of education.

22 7. Supervise, or arrange for supervision of, instruction in the  
23 schools of the county system.

24 8. Conduct teachers' meetings, institutes, demonstrations and  
25 other professional meetings for the in-service training of teachers  
26 as provided by law, and in accordance with the regulations of the  
27 department of public instruction.

28 9. Endeavor to promote through meetings and conferences with  
29 school officers, teachers, parents and the public generally, and by the  
30 distribution of pamphlets and bulletins, an active interest in all  
31 desirable types of public school education and to suggest needed  
32 changes and improvements in the public schools of the county.

33 10. Submit to the county board for its approval plans for the  
34 proper accounting of all children of school age, for the attendance  
35 and control of pupils at school and for the proper attention to  
36 health, safety and other matters which will best promote the welfare  
37 of the children of the county; provided that such pupil accounting  
38 practices shall be in keeping with the system established by the  
39 state department of public instruction.

- 40 11. Establish rules and regulations for admitting, classifying,  
41 promoting and graduating pupils to or from the various rural schools  
42 in the county school system within the limits prescribed by law.
- 43 12. Recommend for the adoption of the board, plans and procedures  
44 for the enforcement of compulsory attendance laws and for the  
45 appointment of qualified attendance officers when the board deems  
46 the same to be necessary or desirable and supervise the work of the  
47 same, if and when appointed.
- 48 13. Recommend plans and supervise arrangements for the periodic  
49 physical and dental examination of all children of the county school  
50 system and for the general promotion of health throughout the  
51 county.
- 52 14. Recommend plans for the establishment and maintenance of  
53 such school libraries and school library services, including the use  
54 of the state traveling library, as are needed for the proper operation  
55 of the schools of the county.
- 56 15. Cooperate with the county board of education in developing  
57 an adequate, efficient, safe and economical system of pupil transporta-  
58 tion in the county.
- 59 16. Prepare and submit a detailed itemized budget, for approval  
60 of the county board of education prior to the first day of July of  
61 each year.
- 62 17. Assist all district school boards upon request, in making  
63 budgets, certifying tax levies, and maintaining uniform accounting  
64 procedures.
- 65 18. Recommend to the board of educational examiners the revoca-  
66 tion of any teachers' certificate for any good cause in the manner  
67 provided by law.
- 68 19. Assist the county board of education in handling, in the  
69 manner prescribed by law, all appeal cases that may come to it.
- 70 20. Serve, under the direction of the superintendent of public  
71 instruction, as a means of communication between the department  
72 of public instruction and the various school officers and teachers in  
73 the county, and transmit or deliver to them all books, papers, circulars  
74 and communications designed for them, when so requested by the  
75 superintendent of public instruction.
- 76 21. Visit each public school in the county at least once during each  
77 school year; and when requested to do so by a majority of the directors  
78 of any school corporation, visit the schools therein.
- 79 22. Visit and report upon, at the request of the state superintendent  
80 of public instruction, such schools as may be designated.
- 81 23. See that all provisions of the school law, so far as they relate  
82 to the schools, or school officers, within his county, are observed and  
83 enforced, and to this end he may require the assistance of the county  
84 attorney, who shall at his request bring any action necessary to  
85 enforce the law or recover penalties incurred.
- 86 24. Order to be closed, any public school or schoolroom taught by  
87 any teacher not certified as required by law. If his order is not  
88 immediately obeyed, he shall enforce the same against the teacher  
89 and the school board by an action for a mandatory injunction in a  
90 court of competent jurisdiction.
- 91 25. When any school corporation is organized or reorganized  
92 according to law, and no director has been elected, or any director

93 elected has not qualified, or has qualified and resigned, so that the  
 94 matter of the completion of the organization or reorganization of  
 95 such school corporation is prevented, and the objects of its organiza-  
 96 tion are thereby defeated, appoint a director or board of directors  
 97 of such corporation, who shall act as such until their successors  
 98 have been elected and qualified, and designate which term or terms  
 99 each director appointed shall fill. In consolidated districts situated  
 100 in more than one county, such appointments shall be made by the  
 101 county superintendent of the county in which the schoolhouse is  
 102 located or is to be located.

103 26. Report annually to the superintendent of public instruction,  
 104 at times designated by the latter, giving a full abstract of the several  
 105 reports made to him by the secretaries and treasurers of school  
 106 boards, stating the manner in and extent to which the requirements  
 107 of the law regarding instruction in physiology and hygiene are  
 108 observed, and such other matters as he may be directed by the  
 109 state superintendent to include therein, or he may think important  
 110 in showing the actual condition of the schools in his county. He shall  
 111 file a duplicate of such report with the county board of education.

112 27. Keep accurate school census records for the county and file  
 113 annually, on or before the last secular day in July, with the county  
 114 auditor, a statement of the number of persons of school age in each  
 115 township and independent district in the county and make such other  
 116 reports thereon as may be required by law.

117 28. Report on or before August first of each year, to the superin-  
 118 tendent of the school for the blind, the name, age, residence, and  
 119 postoffice address of every person resident of the county, without  
 120 regard to age, so blind as to be unable to acquire an education in the  
 121 common schools; to the superintendents of the school for the deaf,  
 122 with corresponding detail, persons under the age of thirty-five, whose  
 123 faculties with respect to speech and hearing are so deficient as to  
 124 prevent them from obtaining an education in the common schools;  
 125 and to the institution for the feeble-minded all persons of school age,  
 126 who, because of mental defects are entitled to admission therein.

127 29. Recommend to the rural boards of education in the county  
 128 school system, teachers to be employed by them.

129 30. Have power to administer the oath of office to any school officer.

130 31. The county superintendent shall exercise any or all of the  
 131 foregoing powers and duties and provide any or all of the foregoing  
 132 services for any or all public schools not in the county system when  
 133 they indicate by board action the need for such services.

1 SEC. 19. The powers and duties of the county board and the county  
 2 superintendent heretofore enumerated shall be construed to apply  
 3 only to the county school system except as otherwise specified.

1 SEC. 20. Section two hundred seventy-one point twelve (271.12),  
 2 Code 1946, is amended by striking the word "he" in line one (1) and  
 3 inserting in lieu thereof the words "the county superintendent".

1 SEC. 21. Sections two hundred seventy-one point one (271.1) to  
 2 two hundred seventy-one point eleven (271.11), inclusive, and sections  
 3 two hundred seventy-three point one (273.1) to two hundred seventy-  
 4 three point four (273.4), inclusive, and sections three hundred forty



5 point thirteen (340.13) to three hundred forty point fifteen (340.15),  
 6 inclusive, and sections three hundred one point twelve (301.12) to  
 7 three hundred one point fourteen (301.14), inclusive, Code 1946,  
 8 shall be repealed as of the first Monday in April, 1948.

1 SEC. 22. Section three hundred forty-one point one (341.1), Code  
 2 1946, is amended by striking the words "and county superintendent  
 3 of schools".

1 SEC. 23. Section three hundred forty-one point six (341.6), Code  
 2 1946, is amended by striking all after "such principal" and sub-  
 3 stituting a period.

1 SEC. 24. Amend section three hundred one point fifteen (301.15),  
 2 Code 1946, line three (3) by adding the words "school system" after  
 3 the word "county".

1 SEC. 25. Amend section three hundred one point nineteen (301.19),  
 2 Code 1946, line two (2), following the word "is", by striking "under  
 3 county uniformity of textbooks as provided in this chapter" and  
 4 substituting in lieu thereof "a part of the county school system".

1 SEC. 26. Amend section three hundred one point twenty-three  
 2 (301.23), Code 1946, by striking all of lines one (1) to five (5),  
 3 inclusive, up to the semicolon (;) and inserting in lieu thereof the  
 4 following: "The provisions of section three hundred one point  
 5 fifteen (301.15) to three hundred one point twenty-two (301.22),  
 6 inclusive, shall not apply to school corporations which are not included  
 7 in the county school system".

Approved March 26, 1947.

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## CHAPTER 148

### UNITING SCHOOL DISTRICTS

#### H. F. 221

AN ACT to amend section two hundred seventy-four point thirty-eight (274.38), code 1946, relating to uniting independent school districts.

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

1 SECTION 1. Section two hundred seventy-four point thirty-eight  
 2 (274.38), Code 1946, is amended by adding thereto the following:  
 3 "Whenever the boundaries of a city or town are or have been  
 4 extended so that the greater part of each of two (2) independent  
 5 school districts lie within said boundaries such districts shall by the  
 6 operation of this act, be united into one (1) independent school  
 7 district."

1 SEC. 2. All of the provisions of sections 274.17, 274.18 and 274.19,  
 2 Code 1946, are hereby made applicable to any instance where two (2)  
 3 independent districts are consolidated and organized into one (1)  
 4 as herein provided.