

CHAPTER 129

REORGANIZATION OF SCHOOL DISTRICTS

H. F. 158

AN ACT relating to the reorganization of school districts.

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

1 SECTION 1. Section two hundred seventy-five point nine (275.9),
 2 Code 1954, is hereby amended by striking from lines five (5) and six
 3 (6) the words "one of the methods" and inserting in lieu thereof the
 4 words "the method".

5 Said section is further amended by adding at the end thereof the
 6 following: "The provisions of sections two hundred seventy-five point
 7 one (275.1) to two hundred seventy-five point five (275.5), inclusive,
 8 of the Code, relating to studies, surveys, hearings, and adoption of
 9 county plans shall constitute a mandatory prerequisite to the effectua-
 10 tion of any proposal for district boundary change. It shall be the man-
 11 datory duty of the county board or joint county boards to dismiss the
 12 petition if the above provisions are not complied with fully."

1 SEC. 2. Section two hundred seventy-five point ten (275.10), Code
 2 1954, is hereby repealed.

1 SEC. 3. Section two hundred seventy-five point eleven (275.11),
 2 Code 1954, is hereby amended by striking in line three (3) thereof the
 3 word "three" and inserting in lieu thereof the word "two".

1 SEC. 4. Section two hundred seventy-five point seventeen (275.17),
 2 Code 1954, is hereby repealed.

1 SEC. 5. Section two hundred seventy-five point twenty (275.20),
 2 Code 1954, is hereby repealed and the following enacted in lieu there-
 3 of:*

4 "The voters residing within the proposed boundaries shall vote
 5 separately in each existing school district affected upon the proposi-
 6 tion to create such new corporation. School districts affected shall be
 7 defined as those districts, all or any portion of which are within the
 8 area included in the proposed new school district. If the proposition
 9 receives a majority of the votes cast in each of at least seventy-five
 10 percent (75%) of the said districts, and also a majority of the total
 11 number of votes cast in all of said districts, the proposition shall be
 12 deemed carried. Provided, however, that if two or more of the school
 13 districts affected have a resident average daily attendance in public
 14 schools of three hundred (300) or more pupils who were enrolled in
 15 public schools in the preceding school year, the proposition must also
 16 receive a majority of the votes cast in each of said districts in order to
 17 be deemed carried."

1 SEC. 6. Section two hundred seventy-five point twenty-one
 2 (275.21), Code 1954, is hereby repealed.

1 SEC. 7. Section two hundred seventy-five point twenty-three
 2 (275.23), Code 1954, is amended as follows:

3 1. By inserting in line seven (7) after the word "proposition" the

*See chapter 128, §5.

4 words "as provided in section two hundred seventy-five point twenty
5 (275.20)".

6 2. By striking all after the word "organized" in line eight (8) and
7 and substituting in lieu thereof a period.

8 3. By adding the following sentence: "The county superintendent
9 shall file a written description of the boundaries as provided in chapter
10 one hundred thirty-five (135), Acts of the Fifty-sixth General Assem-
11 bly."

1 SEC. 8. Section two hundred seventy-five point twenty-four
2 (275.24), Code 1954, is hereby amended by striking in lines three (3),
3 four (4) and five (5) thereof the following:

4 "provided in section 275.10 or the method provided in sections
5 275.11 to 275.23 hereof" and substitute in lieu thereof the words
6 "hereinabove provided".

1 SEC. 9. Section two hundred seventy-five point twenty-five
2 (275.25), Code 1954, is amended by striking from lines three (3) and
3 four (4) the words "provided in sections 275.11 to 275.23 hereof"
4 and substitute in lieu thereof the words "hereinabove provided". By
5 striking in the second paragraph thereof the lines one (1) to nine
6 (9), inclusive, and inserting in lieu thereof the following: "Provided,
7 however, in cases involving two (2) districts only, where the popula-
8 tion of the new district does not exceed the population of the more
9 populous of said districts by more than twenty-five percent (25%),
10 the incumbent board members of said more populous district shall
11 continue to hold office as director of the new district for the remainder
12 of their elective terms."

1 SEC. 10. Section two hundred seventy-five point twenty-six
2 (275.26), Code 1954, is amended as follows:

3 1. By striking from lines two (2) and three (3) the words "by
4 either of the said methods".

5 2. By inserting after the word "is" in line seven (7) the following:
6 "dismissed or".

1 SEC. 11. Section two hundred seventy-five point eight (275.8),
2 Code 1954, is amended by adding at the end of said section the follow-
3 ing: "An aggrieved party is hereby defined as the board of directors
4 of a school district whose directors are elected at large, or, if said
5 board is elected from director districts, then that membership of the
6 board of directors whose districts are included in the proposed re-
7 organized area, or a county board of education.

8 "For purposes of this chapter the planning of joint districts is de-
9 fined to include all of the following acts:

10 1. Preparation of a written joint plan in which contiguous territory
11 in two or more counties is considered as a part of a potential school
12 district in the county on behalf of which such county plan is filed with
13 the state department of public instruction by the county board of edu-
14 cation in and for such county.

15 2. Adoption of such plan at a joint session of the several county
16 boards of education in whose counties such territory is situated.

17 3. Filing said plan with the state department of public instruction.

18 "For purposes of subsection one (1) hereof, joint planning shall be

19 evidenced by filing the following items with the state department of
20 public instruction:

21 a. A plat of the entire area of such potential district.

22 b. A statement of the number of pupils residing within the area of
23 said potential district enrolled in public schools in the preceding school
24 year.

25 c. A statement of the assessed valuation of taxable property located
26 within such potential district.

27 d. An affidavit signed on behalf of each of said county boards of
28 education by a member of such board stating the boundaries as shown
29 on such plat have been agreed upon by the respective boards as a part
30 of the overall county plan of school district reorganization of each
31 such school."

1 SEC. 12. Section two hundred seventy-five point twelve (275.12),
2 Code 1954, is hereby repealed and the following substituted in lieu
3 thereof:*

4 "A petition describing the boundaries, or accurately describing the
5 area included therein by legal descriptions, of the proposed district,
6 which boundaries or area described shall conform to county plan or
7 the petition shall request change of the county plan, shall be filed with
8 the superintendent of schools of the county in which the greatest number
9 of electors reside. Such petition shall be signed by voters in each
10 existing school district affected or portion thereof equal in number to
11 at least twenty percent (20%) of the number of eligible voters or
12 four hundred (400) voters, whichever is the smaller number. School
13 districts affected or portion thereof shall be defined to mean that area
14 to be included in the plan of the proposed new school district."

1 SEC. 13. Section two hundred seventy-five point thirteen (275.13),
2 Code 1954, is amended by striking from line four (4) the words "the
3 territory" and substituting in lieu thereof the following words: "each
4 affected district or portion thereof."

1 SEC. 14. Section two hundred seventy-five point fifteen (275.15),
2 Code 1954, is amended by inserting a period after the word "petition"
3 in line eleven (11), and by striking lines twelve (12) through eighteen
4 (18), inclusive, and the words "which shall be final." on line nineteen
5 (19).

6 Said section is further amended by adding at the end thereof the
7 following:

8 "Within twenty (20) days after the publication thereof the decision
9 rendered by the county board of education may be appealed to a court
10 of record in the county involved by any school district affected."

1 SEC. 15. Section two hundred seventy-five point sixteen (275.16),
2 Code 1954, is amended by striking in lines ten (10) and eleven (11)
3 the words "not disqualified under 275.17 hereof" and by inserting a
4 period (.) after the word "quorum" in line fourteen (14) and striking
5 the balance of the section.

6 Said section is further amended by adding at the end thereof the
7 following:

8 "The joint boards acting as a single board shall determine whether

*See chapter 130, §1.

9 the petition conforms to county plans or, if the petition requests a
10 change in county plans, whether such change should be made, and
11 shall have the authority to change the plans of any or all the county
12 boards affected by the petition, and it shall determine and fix bound-
13 aries for the proposed corporation as provided in section two hun-
14 dred seventy-five point fifteen (275.15)* of the Code or dismiss the
15 petition. The county superintendent shall at once publish this decision
16 in the same newspaper in which the original notice was published.

17 "In case a controversy arises from such meeting, the county board
18 or boards or any school district aggrieved may bring the controversy
19 to the state department of public instruction, as provided in section
20 two hundred seventy-five point eight (275.8) of the Code, within
21 twenty (20) days from the publication of this order, and if said con-
22 troversy is taken to the state department of public instruction, a ten-
23 day notice in writing shall be given to all county boards and school
24 districts affected or portions thereof. The state department shall have
25 the authority to affirm the action of the joint boards, to vacate, to dis-
26 miss all proceedings or to make such modification of the action of the
27 joint boards as in their judgment would serve the best interest of all
28 the counties. This decision may be appealed to a court of record in
29 one of the counties by any aggrieved party to the controversy as
30 defined in section two hundred seventy-five point eight (275.8), within
31 thirty days after the decision of the state department of public instruc-
32 tion.

33 "The court on appeal shall have the same authority as is granted
34 in this section to the state department of public instruction."

1 SEC. 16. Chapter two hundred seventy-five (275), Code 1954, is
2 hereby amended by adding thereto the following section:

3 "The aggrieved party, as defined in section two hundred seventy-five
4 point eight (275.8) of the Code, shall initiate the appeal or appeals to
5 a court of record, as provided for in this chapter. Nothing herein shall
6 be construed as affecting the rights of any school district, person or
7 persons from bringing or engaging in any action in law or equity now
8 granted or preserved to such school district, person or persons."

1 SEC. 17. Amend section two hundred seventy-five point five
2 (275.5), Code 1954 as follows:

3 1. By striking the words "one of the methods" in line twenty-five
4 (25) and inserting in lieu thereof the words "the method".

5 2. Further amend said section by inserting after the word "district"
6 in line twenty-eight (28) the words "or districts".

1 SEC. 18. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 The Gowrie News, a newspaper published at Gowrie, Iowa, and The
4 Marcus News, a newspaper published at Marcus, Iowa; provided, how-
5 ever, that this Act shall not affect any reorganization proposal for
6 which a petition has been filed prior to the effective date of this Act
7 with the superintendent of schools.

Approved April 25, 1957.

*Words supplied by editor, §3.1.

I hereby certify that the foregoing Act, House File 158, was published in The Gowrie News, Gowrie, Iowa, May 2, 1957, and in The Marcus News, Marcus, Iowa, May 2, 1957.
MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 130

ELECTION OF SCHOOL DIRECTORS

H. F. 14

AN ACT relating to the method of election of school directors.

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

1 SECTION 1. Section two hundred seventy-five point twelve
2 (275.12), Code 1954, is hereby amended as follows:

3 1. By inserting at the beginning of such section the numeral "1."*

4 2. By inserting at the end of such section the following:

5 "2. Such petition shall also state the method of election of the school
6 directors of the proposed district. The method of election of the direc-
7 tors shall be one of the following optional plans:

8 a. Election at large from the entire district by the electors of the
9 entire district.

10 b. Division of the entire school district into designated geographical
11 subdistricts, to be known as director districts, each of which director
12 districts shall be represented on the school board by one director who
13 shall be a resident of such director district but who shall be elected by
14 the vote of the electors of the entire school district. The school district
15 shall be divided into the same number of director districts as the num-
16 ber of school directors the district is authorized by law. The bound-
17 aries of such director districts and the area and population included
18 within each district shall be such as justice, equity, and the interests
19 of the people may require. In so far as may be practicable, the bound-
20 aries of such districts shall follow established political or natural geo-
21 graphic divisions.

22 c. Election of not more than one-half of the total number of school
23 directors at large from the entire district and the remaining directors
24 from and as residents of designated director districts into which the
25 entire school district shall be divided. In such case, all directors shall
26 be elected by the electors of the entire school district.

27 d. Division of the entire school district into designated geographical
28 subdistricts, to be known as director districts, each of which director
29 districts shall be represented on the school board by one director who
30 shall be a resident of such director district and who shall be elected by
31 the voters of said director district. Place of voting in such director
32 districts shall be designated by the county board.

33 3. If the petition proposes the division of the school district into
34 director districts, the boundaries of such proposed director districts
35 shall be described in the petition.

36 4. The county board or boards of education in reviewing such peti-
37 tion as provided in sections two hundred seventy-five point fifteen
38 (275.15), two hundred seventy-five point sixteen (275.16), and two
39 hundred seventy-five point seventeen (275.17) shall review the pro-
40 posed method of election of school directors and shall have the duty
41 and authority to change or amend such plan in any manner, including
42 the changing of boundaries of director districts if proposed, or to spec-
43 ify a different method of electing school directors on the basis of area,
44 school population, or assessed valuation as may be required by law,

*See chapter 129, §12.