

CHAPTER 1078
SCHOOL DISTRICT REORGANIZATION PROCEDURES
H.F. 2458

AN ACT relating to school district reorganization procedures.

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

Section 1. Section 275.1, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this chapter unless the context otherwise requires:

1. "Eligible elector" means eligible elector as defined in section 39.3, subsection 1.
2. "Qualified elector" means qualified elector as defined in section 39.3, subsection 2.
3. "School districts affected" means the school districts named in the reorganization petition whether a school district is affected in whole or in part.

Sec. 2. Section 275.2, Code 1983, is amended to read as follows:

275.2 SCOPE OF SURVEYS. The scope of ~~such~~ the studies and surveys shall include the following matters in the various districts in the area education agency and all districts adjacent to the area education agency: The adequacy of the educational program, ~~average daily attendance of pupils~~ pupil enrollment, property valuations, existing buildings and equipment, natural community areas, road conditions, transportation, economic factors, individual attention given to the needs of students, the opportunity of students to participate in a wide variety of activities related to the total development of the student, and ~~such~~ other matters that may bear on educational programs meeting minimum standards required by law. The plans shall also include suggested alternate plans that incorporate the school districts in the area education agency into reorganized districts that meet the enrollment standards specified in section 275.3 and may include alternate plans proposed by school districts for sharing programs under section 280.15, 257.28, or 282.7 as an alternative to school reorganization.

Sec. 3. Section 275.4, unnumbered paragraph 1, Code 1983, is amended to read as follows:

In developing studies and surveys the area education agency board shall consult with the officials of ~~affected school districts in the area~~ and other citizens, and shall from time to time hold public hearings, and may employ such research and other assistance as it may determine reasonably necessary in order to properly carry on its survey and prepare definite plans of reorganization.

Sec. 4. Section 275.5, Code 1983, is amended to read as follows:

275.5 PROPOSALS FOR MERGER OR CONSOLIDATION. ~~Any~~ A proposal for merger, consolidation, or boundary change of local school districts shall first be submitted to the area education agency board following the procedure prescribed in this chapter. Following receipt of a petition pursuant to section 275.12, the area education agency board shall review its plans and determine whether the petition complies with the plans which had been adopted by the board. If the petition does not comply with the plans which had been adopted by the board, the board shall conduct further surveys pursuant to section 275.4 prior to the date set for the

hearing upon the petition. If further surveys have been conducted by the board, the board shall present the results of the further surveys at the hearing upon the petition.

Sec. 5. Section 275.8, subsection 2, Code 1983, is amended to read as follows:

2. Adoption of such the written joint plan at a joint session of the several area education agency boards in whose areas such the territory is situated. Votes of each member of an area education agency board shall be weighted so that the total number of votes eligible to be cast by members of each board shall be equal. A quorum of each of the boards is necessary to transact business. Votes shall be taken in the manner prescribed in section 275.16.

Sec. 6. Section 275.12, subsection 1, Code Supplement 1983, is amended to read as follows:

1. A petition describing the boundaries, or accurately describing the area included therein by legal descriptions, of the proposed district, which boundaries or area described shall conform to plans developed or the petition shall request change of the plan, shall be filed with the area education agency administrator of the area education agency in which the greatest number of qualified electors reside. However, the area education agency administrator shall not accept a petition if any of the school districts affected have approved the issuance of general obligation bonds at an election pursuant to section 296.6 during the preceding six-month period. The petition shall be signed by voters qualified electors in each existing school district or portion affected equal in number to at least twenty percent of the number of eligible voters qualified electors or four hundred voters qualified electors, whichever is the smaller number. School district or portion affected means the area to be included in the plan of the proposed new school district.

Sec. 7. Section 275.12, subsection 2, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

Such The petition filed under subsection 1 shall also state the name of the proposed school district and the number of directors which may be either five or seven and the method of election of the school directors of the proposed district. The method of election of the directors shall be one of the following optional plans:

Sec. 8. Section 275.12, subsection 4, Code Supplement 1983, is amended to read as follows:

4. The area education agency board in reviewing such the petition as provided in sections 275.15 and 275.16 shall review the proposed method of election of school directors and shall have the duty and authority to may change or amend such the plan in any manner, including the changing of boundaries of director districts if proposed, or to specify a different method of electing school directors on the basis of area, school population, or assessed valuation as may be required by law, justice, equity, and the interest of the people. In such the action, the area education agency board shall follow the same procedure as is required by sections 275.15 and 275.16 for other action on the petition by the area education agency board.

Sec. 9. Section 275.15, Code 1983, is amended to read as follows:

275.15 HEARING—DECISION—PUBLICATION OF ORDER. At the hearing, which shall be held within ten days of the final date set for filing objections, interested parties, both petitioners and objectors, may present evidence and arguments, and the area education agency board shall review the matter on its merits and within five days after the conclusion of any hearing, shall rule on the objections and shall enter an order fixing such boundaries for the proposed school corporation as will in its judgment be for the best interests of all parties concerned, having due regard for the welfare of adjoining districts or dismiss the petition. The area education agency board, when entering the order fixing the boundaries, shall consider requests for boundary line changes of property owners who reside on property adjacent to the proposed boundary lines. The agency administrator shall at once publish this order in the

same newspaper in which the original notice was published. Within twenty days after the publication thereof the decision rendered by the area education agency board may be appealed to the district court in the county involved by any school district affected. For purposes of appeal, only those school districts who filed reorganization petitions are school districts affected. An appeal from a decision of an area education agency board or joint area education agency boards under section 275.4, 275.16, or this section is subject to appeal procedures under this chapter and is not subject to appeal under chapter 290.

Sec. 10. Section 275.16, unnumbered paragraph 1, Code 1983, is amended to read as follows:

If the territory described in the petition for the proposed corporation lies in more than one area education agency, the agency administrator with whom the petition is filed shall fix the time and place for a hearing and call a joint meeting of the members of all the agency boards in which any territory of the proposed school corporation lies, to act as a single board for the hearing of the said objections, and a majority of all members of each of the agency boards of the different agencies in which any part of the proposed corporation lies, shall constitute constitutes a quorum. The president of the board of directors of the area education agency in which the petition has been filed, or a member of the board designated by the president, shall preside at the joint meeting. The joint boards acting as a single board shall determine whether the petition conforms to plans or, if the petition requests a change in plans, whether such a change should be made, and shall have the authority to may change the plans of any or all the area education agency boards affected by the petition, and it shall determine and fix boundaries for the proposed corporation as provided in section 275.15 or dismiss the petition. Votes of each member of an area education agency board in attendance shall be weighted so that the total number of votes eligible to be cast by members of each board in attendance shall be equal. However, if such the joint boards cast a tie vote and are unable to agree to an order fixing the boundaries for the proposed school district or to an order to dismiss the petition, the time during which such actions must be taken under the provisions of section 275.15 shall be extended from five days to fifteen days after the conclusion of the hearing under the provisions of section 275.15, and such the joint board shall reconvene not less than ten and not more than fifteen days after the conclusion of such the hearing. At such the hearing the joint board shall reconsider their its action and if a tie vote shall again be is again cast it shall be deemed is an order granting the petition and changing the plans of any and all of the agency boards affected by the petition and fixing the boundaries for the proposed school corporation. The agency administrator shall at once publish the decision in the same newspaper in which the original notice was published.

Sec. 11. Section 275.27, Code 1983, is amended to read as follows:

275.27 NAMES. School districts created or enlarged under the provisions of this chapter shall be known as are community school districts and shall be are part of the area education agency in which the greatest number of qualified electors of said the district reside at the time of the special election called for in section 275.18, and this provision pertaining to greatest number of electors shall be in full force and effect any statute to the contrary notwithstanding, and all provisions of the law sections of the Code applicable to the common schools generally shall be are applicable to such these districts in addition to the powers and privileges conferred by this chapter.

Sec. 12. Section 275.29, Code 1983, is amended to read as follows:

275.29 DIVISION OF ASSETS AND LIABILITIES AFTER REORGANIZATION. Between July 1 and July 20, the board of directors of the newly formed community school district shall meet with the boards of all the old districts, or parts of districts, affected by the organization of the new school corporation for the purpose of reaching joint agreement on an equitable division of the assets of the several school corporations or parts thereof of school corporations and an equitable distribution of the liabilities of the affected corporations or parts thereof of corporations.

Approved April 13, 1984

CHAPTER 1079

VOTING BY IOWA PRODUCT DEVELOPMENT CORPORATION

S.F. 2053

AN ACT specifying the number of affirmative votes of the board of directors of the Iowa product development corporation that are necessary before action may be taken by the board.

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

Section 1. Section 28.85, Code Supplement 1983, is amended to read as follows:

28.85 BOARD OF DIRECTORS. The powers of the corporation are vested in and shall be exercised by the board of directors. Four members of the board constitute a quorum and an affirmative vote of the majority at least four of the members present at a meeting is necessary before an action may be taken by the board. An action taken by the board shall be authorized by resolution at a regular or special meeting and takes effect immediately unless the resolution specifies otherwise. Notice of a meeting shall be given orally or in writing not less than forty-eight hours prior to the meeting.

Approved April 13, 1984