

Senate File 63 - Introduced

SENATE FILE _____
BY JOHNSON

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the biennial election of directors of local
2 school districts, area education agencies, and merged areas
3 and including effective date, applicability date, and
4 transition provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1176SS 82
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1 1 Section 1. Section 39.24, Code 2007, is amended to read as
1 2 follows:
1 3 39.24 SCHOOL OFFICERS.
1 4 Members of boards of directors of community and independent
1 5 school districts, and boards of directors of merged areas
1 6 shall be elected at the school election. Their terms of
1 7 office shall be ~~three~~ four years, except as otherwise provided
1 8 by section 260C.11, ~~260C.13, or 275.23A, 275.37, or 275.37A.~~

1 9 Sec. 2. Section 260C.11, unnumbered paragraph 1, Code
1 10 2007, is amended to read as follows:

1 11 The governing board of a merged area is a board of
1 12 directors composed of one member elected from each director
1 13 district in the area by the electors of the respective
1 14 district. Members of the board shall be residents of the
1 15 district from which elected. Successors shall be chosen at
1 16 the ~~annual~~ regular school elections for members whose terms
1 17 expire. The term of a member of the board of directors is
1 18 ~~three~~ four years and commences at the organization meeting.
1 19 Vacancies on the board shall be filled at the next regular
1 20 meeting of the board by appointment by the remaining members
1 21 of the board. A member so chosen shall be a resident of the
1 22 district in which the vacancy occurred and shall serve until a
1 23 member is elected pursuant to section 69.12 to fill the
1 24 vacancy for the balance of the unexpired term. A vacancy is
1 25 defined in section 277.29. A member shall not serve on the
1 26 board of directors who is a member of a board of directors of
1 27 a local school district or a member of an area education
1 28 agency board.

1 29 Sec. 3. Section 260C.12, unnumbered paragraph 1, Code
1 30 2007, is amended to read as follows:

1 31 The board of directors of the merged area shall organize at
1 32 the first regular meeting in October ~~of each year following~~
1 33 the regular school election. Organization of the board shall

1 34 be effected by the election of a president and other officers
1 35 from the board membership as board members determine. The
2 1 board of directors shall appoint a secretary and a treasurer
2 2 who shall each give bond as prescribed in section 291.2 and
2 3 who shall each receive the salary determined by the board.
2 4 The secretary and treasurer shall perform duties under chapter
2 5 291 and additional duties the board of directors deems
2 6 necessary. However, the board may appoint one person to serve
2 7 as the secretary and treasurer. If one person serves as the
2 8 secretary and treasurer, only one bond is necessary for that
2 9 person. The frequency of meetings other than organizational
2 10 meetings shall be as determined by the board of directors but
2 11 the president or a majority of the members may call a special
2 12 meeting at any time.

2 13 Sec. 4. Section 260C.13, subsection 1, Code 2007, is
2 14 amended to read as follows:

2 15 1. The board of a merged area may change the number of
2 16 directors on the board and shall make corresponding changes in
2 17 the boundaries of director districts. Changes shall be
2 18 completed not later than June 1 ~~for the regular school~~

2 19 election to be held the next following September of the year
2 20 of the regular school election. As soon as possible after
2 21 adoption of the boundary changes, notice of changes in the
2 22 director district boundaries shall be submitted by the merged
2 23 area to the county commissioner of elections in all counties
2 24 included in whole or in part in the merged area.

2 25 Sec. 5. Section 260C.15, subsection 1, Code 2007, is
2 26 amended to read as follows:

2 27 1. Regular elections held ~~annually~~ by the merged area for
2 28 the election of members of the board of directors as required
2 29 by section 260C.11, for the renewal of the twenty and
2 30 one-fourth cents per thousand dollars of assessed valuation
2 31 levy authorized in section 260C.22, or for any other matter
2 32 authorized by law and designated for election by the board of
2 33 directors of the merged area, shall be held on the date of the
2 34 school election as fixed by section 277.1. The election
2 35 notice shall be made a part of the local school election
3 1 notice published as provided in section 49.53 in each local
3 2 school district where voting is to occur in the merged area
3 3 election and the election shall be conducted by the county
3 4 commissioner of elections pursuant to chapters 39 to 53 and
3 5 section 277.20.

3 6 Sec. 6. Section 260C.22, subsection 1, paragraph a, Code
3 7 2007, is amended to read as follows:

3 8 a. In addition to the tax authorized under section
3 9 260C.17, the voters in ~~any~~ a merged area may at the ~~annual~~
3 10 regular school election vote a tax not exceeding twenty and
3 11 one-fourth cents per thousand dollars of assessed value in any
3 12 one year for a period not to exceed ten years for the purchase
3 13 of grounds, construction of buildings, payment of debts
3 14 contracted for the construction of buildings, purchase of
3 15 buildings and equipment for buildings, and the acquisition of
3 16 libraries, for the purpose of paying costs of utilities, and
3 17 for the purpose of maintaining, remodeling, improving, or
3 18 expanding the community college of the merged area. If the
3 19 tax levy is approved under this section, the costs of
3 20 utilities shall be paid from the proceeds of the levy. The
3 21 tax shall be collected by the county treasurers and remitted
3 22 to the treasurer of the merged area as provided in section
3 23 331.552, subsection 29. The proceeds of the tax shall be
3 24 deposited in a separate and distinct fund to be known as the
3 25 voted tax fund, to be paid out upon warrants drawn by the
3 26 president and secretary of the board of directors of the
3 27 merged area district for the payment of costs incurred in
3 28 providing the school facilities for which the tax was voted.

3 29 Sec. 7. Section 273.8, subsection 1, Code 2007, is amended
3 30 to read as follows:

3 31 1. BOARD OF DIRECTORS. The board of directors of an area
3 32 education agency shall consist of not less than five nor more
3 33 than nine members, each a resident of and elected in the
3 34 manner provided in this section from a director district that
3 35 is approximately equal in population to the other director
4 1 districts in the area education agency. Each director shall
4 2 serve a ~~three-year~~ four-year term which commences at the
4 3 ~~organization~~ organizational meeting.

4 4 Sec. 8. Section 273.8, subsection 2, paragraphs a and b,
4 5 Code 2007, are amended to read as follows:

4 6 a. Notice of the election shall be published by the area
4 7 education agency administrator not later than July 15 of the
4 8 odd-numbered year in at least one newspaper of general
4 9 circulation in the director district. The cost of publication
4 10 shall be paid by the area education agency.

4 11 b. A candidate for election to the area education agency
4 12 board shall file a statement of candidacy with the area
4 13 education agency secretary not later than August 15 of the
4 14 odd-numbered year, on forms prescribed by the department of
4 15 education. The statement of candidacy shall include the
4 16 candidate's name, address, and school district. The list of
4 17 candidates shall be sent by the secretary of the area
4 18 education agency in ballot form by certified mail to the
4 19 presidents of the boards of directors of all school districts
4 20 within the director district not later than September 1. In
4 21 order for the ballot to be counted, the ballot must be
4 22 received in the secretary's office by the end of the normal
4 23 business day on September 30 or be clearly postmarked by an
4 24 officially authorized postal service not later than September
4 25 29 and received by the secretary not later than noon on the
4 26 first Monday following September 30.

4 27 Sec. 9. Section 273.8, subsection 4, unnumbered paragraph
4 28 1, Code 2007, is amended to read as follows:

4 29 The board of directors of each area education agency shall

4 30 meet and organize at the first regular meeting in October of
4 31 ~~each year following the regular school election~~ at a suitable
4 32 place designated by the president. Directors whose terms
4 33 commence at the ~~organization~~ organizational meeting shall
4 34 qualify by taking the oath of office required by section
4 35 277.28 at or before the ~~organization~~ organizational meeting.

5 1 Sec. 10. Section 273.8, subsection 7, Code 2007, is
5 2 amended to read as follows:

5 3 7. BOUNDARY LINE CHANGES. To the extent possible, the
5 4 board shall provide that changes in the boundary lines of
5 5 director districts of area education agencies shall not
5 6 lengthen or diminish the term of office of a director of an
5 7 area education agency board. Initial terms of office shall be
5 8 set by the board so that as nearly as possible the terms of
5 9 ~~one-third one-half~~ of the members expire ~~annually~~ biennially.

5 10 Sec. 11. Section 274.7, Code 2007, is amended to read as
5 11 follows:

5 12 274.7 DIRECTORS.

5 13 The affairs of each school corporation shall be conducted
5 14 by a board of directors, the members of which in all community
5 15 or independent school districts shall be chosen for a term of
5 16 ~~three~~ four years.

5 17 Sec. 12. Section 275.1, subsections 2 and 5, Code 2007,
5 18 are amended to read as follows:

5 19 2. "Initial board" means the board of a newly reorganized
5 20 district that is selected pursuant to section 275.25 or 275.41
5 21 and functions until the organizational meeting following the
5 22 ~~fourth third~~ regular school election held after the effective
5 23 date of the reorganization.

5 24 5. "Regular board" means the board of a reorganized
5 25 district that begins to function at the organizational meeting
5 26 following the ~~fourth third~~ regular school election held after
5 27 the effective date of the school reorganization, and is
5 28 comprised of members who were elected to the current terms or
5 29 were appointed to replace members who were elected.

5 30 Sec. 13. Section 275.12, subsection 2, paragraphs b, c, d,
5 31 and e, Code 2007, are amended to read as follows:

5 32 b. Division of the entire school district into designated
5 33 geographical single director or multi=director subdistricts on
5 34 the basis of population for each director, to be known as
5 35 director districts, each of which ~~director districts~~ shall be
6 1 represented on the school board by one or more directors who
6 2 shall be residents of the director district but who shall be
6 3 elected by the vote of the electors of the entire school
6 4 district. The boundaries of the director districts and the
6 5 area and population included within each district shall be
6 6 such as justice, equity, and the interests of the people may
6 7 require. Changes in the boundaries of director districts
6 8 shall not be made during a period commencing sixty days prior
6 9 to the date of the ~~annual~~ regular school election. ~~Insofar As~~
6 10 ~~far as may be~~ practicable, the boundaries of the districts
6 11 shall follow established political or natural geographical
6 12 divisions.

6 13 c. Election of not more than one-half of the total number
6 14 of school directors at large from the entire district and the
6 15 remaining directors from and as residents of designated
6 16 single-member or multimember director districts into which the
6 17 entire school district shall be divided on the basis of
6 18 population for each director. In such case, all directors
6 19 shall be elected by the electors of the entire school
6 20 district. Changes in the boundaries of director districts
6 21 shall not be made during a period commencing sixty days prior
6 22 to the date of the ~~annual~~ regular school election.

6 23 d. Division of the entire school district into designated
6 24 geographical single director or multi=director subdistricts on
6 25 the basis of population for each director, to be known as
6 26 director districts, each of which ~~director districts~~ shall be
6 27 represented on the school board by one or more directors who
6 28 shall be residents of the director district and who shall be
6 29 elected by the voters of the director district. Place of
6 30 voting in the director districts shall be designated by the
6 31 commissioner of elections. Changes in the boundaries of
6 32 director districts shall not be made during a period
6 33 commencing sixty days prior to the date of the ~~annual~~ regular
6 34 school election.

6 35 e. In districts having seven directors, election of three
7 1 directors at large by the electors of the entire district, ~~one~~
7 2 no more than two at each ~~annual~~ regular school election, and
7 3 election of the remaining directors as residents of and by the
7 4 electors of individual geographic subdistricts established on
7 5 the basis of population and identified as director districts.

7 6 no more than two at a regular school election. Boundaries of
7 7 the subdistricts shall follow precinct boundaries, insofar as
7 8 far as practicable, and shall not be changed less than sixty
7 9 days prior to the ~~annual~~ regular school election.

7 10 Sec. 14. Section 275.25, subsection 3, Code 2007, is
7 11 amended to read as follows:

7 12 3. The directors who are elected and qualify to serve
7 13 shall serve until their successors are elected and qualify.
7 14 At the special election, the newly elected ~~director~~ directors
7 15 receiving the most votes shall be elected to serve until the
7 16 ~~director's successor qualifies~~ their successors qualify after
7 17 the ~~fourth~~ third regular school election date occurring after
7 18 the effective date of the reorganization ~~and~~ the two newly
7 19 elected directors receiving the next largest number of votes
7 20 shall be elected to serve until the directors' successors
7 21 qualify after the ~~third~~ second regular school election date
7 22 occurring after the effective date of the reorganization ~~and~~
7 23 ~~the two newly elected directors receiving the next largest~~
7 24 ~~number of votes shall be elected to serve until the directors'~~
7 25 ~~successors qualify after the second regular school election~~
7 26 ~~date occurring after the effective date of the reorganization.~~
7 27 However, in districts that include all or a part of a city of
7 28 fifteen thousand or more population and in districts in which
7 29 the proposition to establish a new corporation provides for
7 30 the election of seven directors, the ~~three newly elected~~
7 31 ~~directors receiving the most votes shall be elected to serve~~
7 32 ~~until the directors' successors qualify after the fourth~~
7 33 ~~regular school election date occurring after the effective~~
7 34 ~~date of the reorganization~~ time lines specified in this
7 35 subsection for the terms of office apply to the four newly
8 1 elected directors receiving the most votes and then to the
8 2 three newly elected directors receiving the next largest
8 3 number of votes.

8 4 Sec. 15. Section 275.37, Code 2007, is amended to read as
8 5 follows:

8 6 275.37 INCREASE IN NUMBER OF DIRECTORS.

8 7 At the next succeeding ~~annual~~ regular school election in a
8 8 district where the number of directors has been increased from
8 9 five to seven, and directors are elected at large, there shall
8 10 be elected a director to succeed each incumbent director whose
8 11 term is expiring in that year, and two additional directors.
8 12 Upon organizing as required by section 279.1, either one or
8 13 two of the newly elected ~~director~~ directors who received the
8 14 fewest votes in the election shall be assigned a term of
8 15 ~~either one year or two years if~~ as necessary in order that as
8 16 nearly as possible ~~one-third~~ one-half of the members of the
8 17 board shall be elected ~~each year~~ biennially. If some or all
8 18 directors are elected from director districts, the board shall
8 19 assign terms appropriate for the method of election used by
8 20 the district.

8 21 Sec. 16. Section 275.37A, Code 2007, is amended to read as
8 22 follows:

8 23 275.37A DECREASE IN NUMBER OF DIRECTORS.

8 24 1. A change from seven to five directors shall be effected
8 25 in a district at the first regular school election after
8 26 authorization by the voters in the following manner:

8 27 a. If at the first election in the district there are
8 28 ~~three~~ four terms expiring, ~~one director~~ three directors shall
8 29 be elected. At the second election in that district, if ~~two~~
8 30 three terms are expiring, two directors shall be elected. ~~At~~
8 31 ~~the third election in that district, if there are two terms~~
8 32 ~~expiring, two directors shall be elected.~~

8 33 b. If at the first election there are ~~two~~ three terms
8 34 expiring, ~~no two~~ directors shall be elected. At the second
8 35 election in that district, if ~~two~~ four terms are expiring, ~~two~~
9 1 three directors shall be elected. ~~At the third election in~~
9 2 ~~that district, if there are three terms expiring, three~~
9 3 ~~directors shall be elected, two for three years and one for~~
9 4 ~~one year. The newly elected director who received the fewest~~
9 5 ~~votes in the election shall be assigned a term of one year.~~

9 6 c. ~~If at the first election there are two terms expiring,~~
9 7 ~~no directors shall be elected. At the second election in that~~
9 8 ~~district, if three terms are expiring, three directors shall~~
9 9 ~~be elected, two for three years and one for two years. The~~
9 10 ~~newly elected director who received the fewest votes in the~~
9 11 ~~election shall be assigned a term of two years. At the third~~
9 12 ~~election in that district, if there are two terms expiring,~~
9 13 ~~two directors shall be elected.~~

9 14 2. If some or all of the directors are elected from
9 15 director districts, the board shall devise a plan to reduce
9 16 the number of members so that as nearly as possible ~~one-third~~

9 17 ~~one-half~~ of the members of the board shall be elected ~~each~~
9 18 ~~year biennially~~ and so that each district will be continuously
9 19 represented.

9 20 Sec. 17. Section 275.38, Code 2007, is amended to read as
9 21 follows:

9 22 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

9 23 If change in the method of election of school directors is
9 24 approved at a regular or special school election, the
9 25 directors who were serving unexpired terms or were elected
9 26 concurrently with approval of the change of method shall serve
9 27 out the terms for which they were elected. If the plan
9 28 adopted is that described in section 275.12, subsection 2,
9 29 paragraph "~~b," "c," "d," or "e,"~~ "b," "c," "d," or "e," the
9 30 board shall at the earliest practicable time designate the
9 31 districts from which residents are to be elected as school
9 32 directors at each of the next ~~three two~~ succeeding ~~annual~~
9 33 regular school elections, arranging so far as possible for
9 34 elections of directors as residents of the respective
9 35 districts to coincide with the expiration of terms of
10 1 incumbent members residing in those districts. If an increase
10 2 in the size of the board from five to seven members is
10 3 approved concurrently with the change in method of election of
10 4 directors, the board shall make the necessary adjustment in
10 5 the manner prescribed in section 275.37, as well as providing
10 6 for implementation of the districting plan under this section.

10 7 Sec. 18. Section 275.41, subsection 3, Code 2007, is
10 8 amended to read as follows:

10 9 3. Prior to the effective date of the reorganization, the
10 10 initial board shall approve a plan that commences at the
10 11 ~~second first~~ regular school election held after the effective
10 12 date of the merger and is completed at the ~~fourth third~~
10 13 regular school election held after the effective date of the
10 14 merger, to replace the initial board with the regular board.
10 15 If the petition specifies a number of directors on the regular
10 16 board to be different from the number of directors on the
10 17 initial board, the plan shall provide that the number
10 18 specified in the petition for the regular board is in place by
10 19 the time the regular board is formed. The plan shall provide
10 20 that as nearly as possible ~~one-third~~ one-half of the members
10 21 of the board shall be elected ~~each year biennially~~, and if a
10 22 special election was held to elect a member to create an odd
10 23 number of members on the board, the term of that member shall
10 24 end at the organizational meeting following the ~~fourth third~~
10 25 regular school election held after the effective date.

10 26 Sec. 19. Section 277.1, Code 2007, is amended to read as
10 27 follows:

10 28 277.1 REGULAR ELECTION.

10 29 The regular election shall be held ~~annually~~ biennially on
10 30 the second Tuesday in September of each odd-numbered year in
10 31 each school district for the election of officers of the
10 32 district and merged area and for the purpose of submitting to
10 33 the voters any matter authorized by law.

10 34 Sec. 20. Section 277.25, Code 2007, is amended to read as
10 35 follows:

11 1 277.25 DIRECTORS IN NEW DISTRICTS.

11 2 At the first election in newly organized districts, the
11 3 directors shall be elected as follows:

11 4 1. In districts having three directors, ~~one director two~~
11 5 ~~directors~~ shall be elected for ~~one year, one for two years,~~
11 6 and one for ~~three four~~ years.

11 7 2. In districts having five directors, ~~two three~~ shall be
11 8 elected for ~~one year, two for two years,~~ and ~~one two~~ for ~~three~~
11 9 four years.

11 10 3. In districts having seven directors, ~~two four~~ shall be
11 11 elected for ~~one year, two for two years,~~ and three for ~~three~~
11 12 four years.

11 13 Sec. 21. Section 278.2, unnumbered paragraph 2, Code 2007,
11 14 is amended to read as follows:

11 15 Petitions filed under this section shall be filed with the
11 16 secretary of the school board at least seventy-five days
11 17 before the date of the ~~annual~~ regular school election, if the
11 18 question is to be included on the ballot at that election.
11 19 The petition shall include the signatures of the petitioners,
11 20 a statement of their place of residence, and the date on which
11 21 they signed the petition.

11 22 Sec. 22. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.

11 23 This Act, being deemed of immediate importance, takes effect
11 24 upon enactment for purposes of the transition from election of
11 25 directors of community and independent school districts,
11 26 merged areas, and area education agencies annually from terms
11 27 of three years each to the staggered election of such

11 28 directors biennially for terms of four years each. This Act
11 29 shall be applied so that the first election at which
11 30 directors, due to the expiration of predecessor director
11 31 terms, shall be elected to serve regular four-year terms is
11 32 the regular school election held in September 2009 or the
11 33 director district conventions held in September 2009.

11 34 The board of directors of each affected school district and
11 35 each merged area and area education agency shall review the
12 1 expiration dates of the terms of office of its directors and
12 2 shall adopt by resolution a plan for shortening or lengthening
12 3 terms of members for the annual school election or director
12 4 district convention held in September 2007 and September 2008
12 5 so that all members whose terms expire at the regular school
12 6 election or director district convention held in September
12 7 2009 will be elected to four-year terms with the remaining
12 8 members of the board having their terms expire at the regular
12 9 school election or director district convention held in
12 10 September 2011. The board shall submit a copy of the
12 11 resolution adopting its plan to the office of the state
12 12 commissioner of elections no later than August 1, 2008. In
12 13 developing the plan, the board of directors shall take into
12 14 consideration the terms for which the members were elected and
12 15 the number of votes the members received in relation to the
12 16 number of votes other candidates received at the applicable
12 17 election or director district convention.

12 18 EXPLANATION

12 19 This bill provides for the election of the directors of
12 20 local school districts and merged areas in September in
12 21 odd-numbered years. Area education agencies are required by
12 22 law to hold their director district conventions within two
12 23 weeks of the regular school election. Area education agency
12 24 board directors are elected at those conventions. In order to
12 25 accomplish these purposes, the division changes the terms of
12 26 all of these directors from three to four years and provides
12 27 for a transition period.

12 28 The bill takes effect upon enactment for purposes of
12 29 holding the area education agency director district
12 30 conventions in September 2009, and the first biennial regular
12 31 school election in September 2009.

12 32 Additional conforming amendments to the Code may be
12 33 necessary to fully implement the bill's provisions.

12 34 LSB 1176SS 82

12 35 sc:nh/je/5.1