

Reported Recommending .....  
Ind. Postponed.....  
Passed Senate .....  
Failed to Pass Senate.....  
Passed House .....  
Failed to Pass House.....

House File 115

January 24, 1945.  
Schools and Textbooks.

By STEINBERG, by request.

## A BILL FOR

An Act to create a department of public instruction of the state of Iowa; to create a board of public instruction, provide for the appointment of members thereof, and prescribe the powers and duties of said board; to provide for the election of a superintendent of public instruction and a deputy superintendent and such assistants and employees as may be necessary; to prescribe the duties of the superintendent of public instruction and the deputy superintendent; to amend certain provisions of the code, 1939, and repeal certain provisions of the code, 1939, to effect the general purposes of this act.

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

1 Section 1. There is hereby created the department of  
2 public instruction of the state of Iowa. It shall consist  
3 of a board of public instruction, a superintendent of public  
4 instruction, a deputy superintendent, and such divisions,  
5 assistants and employees as shall be provided by law, or  
6 by resolution of the board.

1 Sec. 2. The department shall have offices at the seat  
2 of government which shall be provided by the executive  
3 council of the state.

1 Sec. 3. The department shall have general supervision  
2 and administration of the public school system of the

3 state.

1     Sec. 4. The state board of public instruction,  
2 hereinafter called the board, shall be composed of seven  
3 appointive members, who are citizens of the state of  
4 Iowa and who shall hold no other elective or appointive  
5 state office except that of notary public, and who  
6 shall be appointed by the governor, subject to the  
7 approval of a two-thirds vote of the members of the  
8 senate in executive session. Not more than four members  
9 shall be members of the same political party. Each  
10 member shall serve for a term of six years from the  
11 first day of July of the year of his appointment, and  
12 until his successor is appointed and qualified; except  
13 that the terms of the members of the first board appointed  
14 shall expire as designated by the governor at the time  
15 of the appointment; two terms to expire on June 30, 1947,  
16 two terms to expire on June 30, 1949, and three terms to  
17 expire on June 30, 1951. Within fifteen days after this  
18 act is approved by the governor, the governor shall appoint  
19 the first board hereunder. Thereafter, within sixty days  
20 after the convening of the general assembly, the governor  
21 shall appoint successors to the members of said board  
22 whose terms expire on the following June 30.

1     Sec. 5. Vacancies in the board occurring while the  
2 general assembly is in session shall be filled for the  
3 unexpired portion of the term in the same manner as full

4 time appointments are made. Vacancies occurring while  
5 the general assembly is not in session shall be filled  
6 by the governor, but such appointments shall terminate  
7 at the end of thirty days after the convening of the  
8 next regular session of the general assembly, unless  
9 confirmed by the senate in the same manner as full-time  
10 appointments.

1 Sec. 6. Each member of the board shall be entitled  
2 to receive as compensation for his services the sum of  
3 ten dollars per day for each day he devotes to the  
4 performance of his duties as prescribed in this act,  
5 whether in regular meetings of the board or in committee  
6 work.

1 Sec. 7. The board shall hold at least four regular  
2 meetings per year as shall be fixed by resolution of the  
3 board, the first of which shall be immediately after the  
4 first of July of each year. Special meetings of the  
5 board may be called by the president, or by any four  
6 members of the board. Notice of the special meetings  
7 shall be given to each member of the board at least  
8 three days before the time of said meeting. All meetings  
9 shall be held at the office of the department, unless  
10 a different place within the state of Iowa is designated  
11 by the board, or in the notice of the meeting.

1 Sec. 8. The board shall:

2 (1) Each odd-numbered year at its first meeting elect,

3 from its members, a president and a vice-president who  
4 shall serve for two years, and until their successors are  
5 elected and qualified;

6 (2) Organize the department of public instruction,  
7 as created by this act; adopt all necessary rules, not  
8 in conflict with the provisions of law, for the conduct  
9 of its affairs; and define the duties of appointees and  
10 employees to the end that the educational and business  
11 activities of the department shall be conducted under  
12 reasonable and effective regulations which shall promote  
13 the educational interests of the state, and safeguard  
14 the finances appropriated for the support thereof;

15 (3) Formulate standards, rules, and regulations  
16 for the approval of all schools and junior colleges  
17 under its supervision; remove for cause after due  
18 investigation and notice, any such school failing to  
19 comply with such approved standards, rules and regulations,  
20 from the accredited list, which removal shall make such  
21 school ineligible for participation in the state distributive  
22 funds, and in the collection of tuition from non-residents  
23 and other districts which do not maintain approved high-  
24 schools;

25 (4) Classify and define the various schools under the  
26 supervision of the board, formulate suitable courses of  
27 study therefor, and publish and distribute such classifications  
28 and courses of study;

29 (5) Constitute the state board for vocational education,  
30 and have and exercise all the powers and perform all the  
31 duties imposed upon said board under the provisions of  
32 chapters 191 and 192 of the Code of 1939;

33 (6) Constitute the board of educational examiners  
34 under the provisions of chapter 193 of the Code;

35 (7) Approve plans for co-operating with the federal  
36 government in carrying out any or all phases of the  
37 educational program which the board deems desirable, and  
38 provide for the proper administration and distribution  
39 of funds which may be appropriated by congress and  
40 apportioned to the state for any and all educational  
41 purposes of a public nature;

42 (8) Approve plans for co-operating with all other  
43 agencies, federal, state, county, and municipal, in the  
44 development of regulations and in the enforcement of  
45 laws for which the board and such agencies are jointly  
46 responsible, and plans for co-operating with other proper  
47 agencies in the improvement of conditions relating to  
48 the state system of public education;

49 (9) Make available the same supervision for the  
50 schools maintained by the state board of control as is  
51 provided for the public schools of the state, and make  
52 such recommendations to the board of control as will  
53 bring the same educational opportunities to the pupils  
54 of these institutions as to the pupils of the public

55 schools;

56 (10) Supervise the distribution of all moneys under  
57 the provisions of the law for statewide distribution;

58 (11) Appoint such committees as may be provided by  
59 law, or as necessary, on the basis of any educational  
60 need of the state system of public instruction;

61 (12) Authorize, approve, and require the use of such  
62 forms as are needed to promote uniformity, accuracy, and  
63 completeness, in executing contracts, keeping records,  
64 and making reports, and to require such reports to be  
65 made;

66 (13) Cause to be printed in book form, when deemed  
67 necessary, all school laws then in force, and amendments  
68 thereto, with such forms, rulings, and decisions, and  
69 such notes and suggestions, as may aid school officers in  
70 the proper discharge of their duties. A sufficient number  
71 shall be furnished to the county superintendent of each  
72 county to supply therein school officers, directors,  
73 superintendents, and to others in such numbers as may be  
74 reasonably requested;

75 (14) Publish and distribute from time to time, leaflets  
76 and circulars relative to such days and occasions as it  
77 may deem worthy of special observance in the public schools;

78 (15) Adopt and submit to the state comptroller as  
79 required by law, on blanks provided by him for that purpose,  
80 on or before September first prior to each regular session

81 of the general assembly, estimates of expenditure requirements  
82 for the department of public instruction, the board, and  
83 the superintendent of public instruction for each fiscal  
84 year of the ensuing biennium ;

85 (16) Cause to be prepared and published at reasonable  
86 intervals pamphlets containing suitable plans and specifications  
87 for public school buildings, including the most approved  
88 means and methods of sanitation, heating, lighting, and  
89 ventilating the same, together with information and  
90 suggestions for the proper and economical construction  
91 thereof ;

92 (17) Constitute a continuing research commission as  
93 to all public school matters in the state, and cause to  
94 be prepared and submitted to each regular session of the  
95 general assembly a report containing such recommendations  
96 as to revisions, amendments, and new provisions as the  
97 board has decided needs action by the legislature.

1 Sec. 9. The State superintendent of public instruction,  
2 hereinafter called the superintendent, and the deputy  
3 superintendent shall be elected by the board of public  
4 instruction for a term of four years and until their  
5 respective successors have been elected and have qualified,  
6 said election to be made between July 1 and December 31  
7 of the year preceding the beginning of the term. Vacancies  
8 in either office shall be filled by the board for the  
9 unexpired term. The board shall fix the salary of the

10 superintendent at not to exceed \$7,200.00 per year, and  
11 the salary of the deputy superintendent at not to exceed  
12 \$4,800.00 per year. The first term of each of said officers  
13 under this act shall begin on the second secular day of  
14 January, 1947.

1 Sec. 10. The superintendent shall be a person who  
2 possesses educational attainment and breadth of experience  
3 in the administration of public education, and in the  
4 finances pertaining thereto, commensurate with the spirit  
5 and intent of this act. The deputy superintendent shall  
6 have like qualifications.

1 Sec. 11. Before entering upon their duties, the  
2 superintendent and his deputy shall take the oath of office  
3 prescribed by section 1054, code, 1939.

1 Sec. 12. The superintendent shall give bond as  
2 provided in section 1063, code, 1939, and his deputy shall give  
3 a like bond.

1 Sec. 13. The superintendent shall, under the general  
2 authority of the board, exercise the following powers and  
3 perform the following duties:

- 4 (1) Act as secretary, ex officio, and executive  
5 officer of the board;
- 6 (2) Attend all meetings of the board and submit such  
7 recommendations and information to the board as he may deem  
8 advisable, or as may be requested by the board;
- 9 (3) Keep such records of the proceedings of the board,

10 including complete minutes, as are necessary to locate and  
11 identify the action of the board;

12 (4) Keep a record of the business transacted by him,  
13 and file and preserve all reports, documents, and correspondence,  
14 as may be of a permanent value, which shall be open for  
15 inspection under reasonable conditions by any citizen of the  
16 state;

17 (5) Issue certificates to persons, qualified under the  
18 rules and regulations of the board, and as are authorized  
19 by law, to serve in any instructional, administrative or  
20 supervisory capacity;

21 (6) Furnish at state expense, when authorized by the  
22 board, those forms which can be provided more economically  
23 and efficiently in that manner; and notify the county  
24 board, district board, or school authorities, in any case  
25 when any report has not been filed in the manner or on  
26 the date prescribed by law, or by regulation of the board,  
27 that the salary of such official or officials must be  
28 withheld, or the school be not approved until the report  
29 has been properly filed.

30 (7) Ascertain in so far as practicable, by inspection,  
31 the condition, needs, and progress, of the schools under  
32 the supervision of the board, and make recommendations  
33 to the proper authorities for the construction of such  
34 deficiencies and for the educational and physical improvement  
35 of such schools.

36 (8) Suggest through public addresses, pamphlets,  
37 bulletins, and by meetings and conferences with school  
38 officers, teachers, parents, and the public generally,  
39 such changes and improvements relating to the state system  
40 of public education as he may think desirable, and publish  
41 and distribute such views and information as he may deem  
42 important.

43 (9) Endeavor to promote among the people of the state  
44 an active interest in all desirable types and levels of  
45 public school education, including vocational education  
46 in agriculture, business and commerce, home economics  
47 and trades and industries;

48 (10) Report to the state comptroller on the first day  
49 of January of each year, the number of persons of school  
50 age in each county;

51 (11) Report biennially, for himself and on behalf of  
52 the board, to the governor at the time provided by law, the  
53 condition of the schools under his supervision, including the  
54 number and kinds of school districts, the number of schools  
55 of each kind, the number and value of schoolhouses, the  
56 enrollment and attendance in each county for the previous  
57 year, and measures proposed or plans matured for the  
58 improvement of the public schools, such financial and  
59 statistical information as may be of public importance,  
60 and such general information relating to educational affairs  
61 and conditions within the state or elsewhere, as he may

62 deem beneficial;

63 (12) Appoint at least one, and not more than two, county  
64 or multiple county educational meetings or institutes to be  
65 held each year, and designate the time and place for holding  
66 them. The program therefor, and the instructors and lecturers  
67 therein, shall be subject to his approval;

68 (13) Prepare and supply questions for the examination of  
69 pupils completing the eighth grade in the rural schools, and  
70 fix the time of such examinations;

71 (14) Examine and determine all appeals taken to him,  
72 according to law, prescribe rules of practice therefor not  
73 inconsistent with law, and render written opinions upon  
74 questions submitted by school officers pertaining to their  
75 duties.

1 Sec. 14. The deputy superintendent shall, in the  
2 absence or inability of the superintendent, perform the  
3 duties of the office.

1 Sec. 15. The board of public instruction, the  
2 superintendent of public instruction, his deputy and the  
3 employees of the department, shall receive their actual  
4 and necessary traveling expenses incurred in the performance  
5 of their official duties.

1 Sec. 16. Section three thousand eight hundred  
2 thirty-two and one-tenth (3832.1), Code of 1939, is  
3 amended by striking the word "superintendent" from lines  
4 six (6), twelve (12), and thirteen (13), and sixteen (16),

5 and by substituting the word "board".

1 Sec. 17. Section three thousand eight hundred  
2 thirty-two and two-tenths (3832.2), Code of 1939, is  
3 amended by striking from line three (3) the word  
4 "superintendent" and by substituting the word "board".

1 Sec. 18. Section three thousand eight hundred thirty-four  
2 (3834), Code of 1939, is amended by striking from line one  
3 (1) the word "superintendent" and by substituting the word  
4 "board"; and by striking from line eight (8) the word "he"  
5 and substituting the word "it"; and by striking out the word  
6 "him" from line eleven (11) and substituting the word "it".

1 Sec. 19. Section three thousand eight hundred thirty-eight  
2 (3838), Code 1939, is amended by striking all of said section  
3 and substituting in lieu thereof the following: "The state  
4 board of public instruction shall constitute the state board  
5 for vocational education."

1 Sec. 20. Section three thousand eight hundred fifty-eight  
2 (3858), Code 1939, is amended by striking all of said section  
3 and substituting in lieu thereof the following: "The state  
4 board of public instruction shall constitute the board of  
5 educational examiners".

1 Sec. 21. Section four thousand one hundred six (4106),  
2 Code of 1939, is amended by striking the word "superintendent"  
3 from line two (2) of subsection one (1) and from lines one  
4 (1), three (3) and ten (10) of subsection eleven (11), and  
5 by substituting the word "board."

1     **Sec. 22.** Section four thousand one hundred eighty-four  
2 (4184), Code of 1939, is amended by striking from lines eleven  
3 (11) and twelve (12) the word "superintendent" and substituting  
4 the word "board".

1     **Sec. 23.** Section four thousand one hundred eighty-six  
2 (4186), Code of 1939, is amended by striking from lines four  
3 (4) and five (5) the word "superintendent" and substituting  
4 the word "board".

1     **Sec. 24.** Section four thousand two hundred sixty-seven  
2 (4267), Code of 1939, is amended by striking from line five  
3 (5) the word "superintendent" and by substituting the word  
4 "board".

1     **Sec. 25.** Section four thousand two hundred sixty-seven  
2 and one-tenth (4267.1), Code of 1939, is amended by striking  
3 from lines two (2) and twelve (12) the word "superintendent"  
4 and by substituting the word "board".

1     **Sec. 26.** Section four thousand three hundred thirty  
2 (4330), Code of 1939, is amended by striking from lines one  
3 (1) and two (2) the word "superintendent" and by substituting  
4 the word "board".

1     **Sec. 27.** Section four thousand three hundred thirty-one  
2 (4331), Code of 1939, is amended by striking from lines  
3 three (3) and eight (8) the word "superintendent" and by  
4 substituting the word "board".

1     **Sec. 28.** Section four thousand three hundred thirty-four  
2 (4334), Code of 1939, is amended by striking from line two

3 (2) the word "superintendent" and by substituting the word  
4 "board".

1 Sec. 29. Section four thousand three hundred and  
2 thirty-five (4335), Code of 1939, is amended by striking  
3 from line four (4) the word "superintendent" and by substituting  
4 the word "board".

1 Sec. 30. Sections five hundred fifteen (515), three  
2 thousand eight hundred twenty-nine (3829) to three thousand  
3 eight hundred thirty-two (3832) inclusive, three thousand  
4 eight hundred thirty-five (3835), three thousand eight  
5 hundred thirty-six (3836), three thousand eight hundred  
6 thirty-nine (3839), four thousand one hundred eighteen and  
7 two-tenths (4118.2) and chapter two hundred fifteen and  
8 one-tenth (215.1) code, 1939, are repealed.

#### EXPLANATION OF H. F. 115

##### STATE ADMINISTRATION OF SCHOOLS

A state department of public instruction is created, consisting of the following:

- (a) State board of public instruction
- (b) Superintendent of public instruction
- (c) Deputy superintendent
- (d) Such assistants and employees as shall be deemed necessary

This department shall have general supervision and administration of the public school system of the state which are the duties of the department of public instruction now established. At present this department consists of the superintendent of public instruction, elected on a party ticket, and deputy superintendent and assistants appointed by her.

The state board of public instruction is new to Iowa, but is the plan used in 39 states, where the administration of the public school system is a responsibility of state boards. It is proposed that this board should select the chief state school officer, known in Iowa as the state superintendent of public instruction.

The state board of public instruction shall be composed of seven citizens of the state, appointed by the Governor of the state, subject to approval by at least two-thirds vote of the Senate. At no time shall more than four members be from the same political party. Each member shall serve a term of six years, except those in the first board appointed, where terms will be of different lengths in order to achieve "staggered" terms of office for members of future boards.

Board members shall serve without pay except for a per diem compensation of ten dollars for the time devoted to the performance of their prescribed duties.

The board shall hold at least four regular meetings per year and as many special meetings as are found necessary.

This board shall constitute the state board of vocational education, vocational rehabilitation, and board of educational examiners, already established. The proposal does not change the relationship of the state administration to county and district

administration, but vests responsibility in the state board of public instruction with the state superintendent of public instruction as its executive officer. Formerly this responsibility rested on the superintendent alone.

The board will act as a continuing research commission and submit to each session of the General Assembly recommendations for needed legislative action.