

April 6, 1949.  
Passed on File.

**House File 598**  
By SCHOOLS, LIBRARIES, STATE EDUCATIONAL  
INSTITUTIONS COMMITTEE.

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

## A BILL FOR

An Act to establish a State Board of Public Instruction, provide for the election of members thereof, and prescribe the powers and duties of said board; to provide for the appointment of a superintendent of Public Instruction and such other staff members and employees as necessary; to amend certain sections of the Code of 1946 and the Acts of the Fifty-second General Assembly all relating thereto, and to repeal certain sections of said Code 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 established a State Board of Public  
2 Instruction for the state of Iowa. The State Board of Public  
3 Instruction shall be hereinafter called the State Board, and such  
4 State Board shall consist of nine (9) members.

1 Sec. 2. The members of the State Board shall be resident  
2 citizens of the state, known to be interested in education, and  
3 shall hold no other elective or appointive office other than Notary  
4 Public, and in order to preserve the lay character of the Board, no  
5 person, the major portion of whose time is engaged in professional  
6 education or who derives a major portion of his income from any  
7 business or activity connected with education, shall be eligible

8 for membership on the State Board.

1     Sec. 3. The Governor, subject to the confirmation by a  
2 two-thirds vote of the Senate, shall appoint one member of the  
3 State Board for a term of two years beginning on the second secular  
4 day of January, 1951, and as the term expires shall appoint  
5 successors thereto for a like period of time. The Governor shall  
6 have power to make interim appointments until such time as the  
7 appointee can be appointed and confirmed by the Senate. The remaining  
8 eight members of the State Board shall be elected at the General  
9 Election in November, 1950, one from each congressional district,  
10 and shall take office on the second secular day of January, 1951.  
11 In the event of congressional redistricting, the districts in  
12 existence at the effective date of this act shall continue to be  
13 deemed as State Board of Public Instruction districts. At the  
14 first regular meeting of the State Board, the Secretary of State  
15 shall draw lots for the eight elected members in order to determine  
16 their terms, as follows: three shall be drawn for two year terms,  
17 three shall be drawn for four year terms, and two shall be drawn for  
18 six year terms. At the expiration of the terms of elected members,  
19 all regular terms thereafter shall be for six years. At the first  
20 meeting of the State Board, the State Board shall elect a president  
21 and vice-president from its membership, who shall serve for two  
22 years, and thereafter such officers shall be elected biennially.

1     Sec. 4. The members of the State Board shall qualify by taking  
2 the regular oath of office as prescribed by law for State officials.  
3 Vacancies occurring on the State Board shall be filled by the remainder

4 of the State Board by appointment from the district in which the  
5 vacancies occur. The member so appointed shall serve until the next  
6 General Election, at which time a member shall be elected in the  
7 regular manner for the unexpired portion of the term.

1 Sec. 5. Nominations and elections for the State Board shall  
2 be conducted in the following manner:

3 A. The members of the respective county boards of education  
4 in their districts shall be the delegates to the district nominating  
5 convention called to nominate candidates for membership from that  
6 district on the State Board.

7 B. Not later than ten (10) days before the third Monday in  
8 August, the Secretary of State shall call a convention of nomination  
9 in the most conveniently located county seat in each of the con-  
10 gressional districts of the state in which there will be a vacancy  
11 on the State Board, designating the date, time and place of meeting.  
12 He shall supply the temporary chairman of each district convention  
13 with a list of the delegates previously certified to him by the  
14 county superintendents of the respective counties, and shall notify  
15 each delegate in writing of the time and place of the convention.  
16 This official list shall constitute the list of those eligible to  
17 participate in the district convention. The county superintendent  
18 of the county in which the district convention is held shall serve  
19 as temporary chairman, and satisfy himself that a quorum is present,  
20 and cause a permanent chairman and secretary to be elected from the  
21 delegates. A quorum shall consist of sixty (60) per cent of those  
22 eligible to attend. The convention shall then proceed to the

23 nomination of candidates for the position of membership in the State  
24 Board from that district. The nomination shall be from the floor  
25 and the voting by written ballot. Two candidates shall be selected  
26 from those nominated. The chairman and secretary shall certify the  
27 names of the two candidates to the Secretary of State, who shall  
28 cause separate ballots, without any party designation, to be prepared  
29 containing the names of such candidates to be voted on at the next  
30 General Election. The electors shall vote for one candidate only  
31 and the candidate receiving a majority of the votes cast shall be  
32 declared to have been elected. In the case of a tie vote the  
33 candidates themselves shall determine the winner by lot. The  
34 delegates to the convention shall be allowed their actual and  
35 necessary expense and travel at the statutory rate, and shall be  
36 paid by the respective county boards from funds provided for the  
37 use of said board.

38 C. In all other details pertaining to the election of members  
39 of the State Board, the General Election laws shall apply, and the  
40 Secretary of State shall have authority to prescribe the procedure  
41 necesasry to include such election in the General Election. The  
42 costs of such inclusion in the General Election shall be paid as a  
43 part of the General Election expense. The successful candidates  
44 elected to the State Board of Public Instruction shall be issued  
45 certificates of election as prescribed by law.

1 Sec. 6. The members of the State Board shall be allowed a  
2 per diem of fifteen dollars (\$15.00) per day and their necessary  
3 travel and expense while engaged in their official duties.

1     Sec. 7. The office of the State Board shall be at the seat  
2 of state government in Des Moines, Iowa.

1     Sec. 8. The State Board shall hold at least five (5) regular  
2 meetings which shall be scheduled on or before July 1 of each year.  
3 Special meetings of the State Board may be called by the president or  
4 by any five (5) members of the State Board on five (5) days notice  
5 given to each member. All meetings shall be held at the office of  
6 the State Board.

1     Sec. 9. All of the powers, duties and responsibilities now  
2 provided by law and vested in the State Superintendent of Public  
3 Instruction are hereby transferred to the State Board, effective  
4 the second secular day of January, 1951.

1     Sec. 10. The State Board shall have as its chief executive  
2 officer the Superintendent of Public Instruction, who shall carry  
3 out the specific duties and responsibilities of the State Board  
4 as directed by said State Board.

1     Sec. 11. The State Superintendent of Public Instruction,  
2 hereafter called the Superintendent, shall be appointed by the  
3 State Board for a term not to exceed four (4) years, but the tenure  
4 of office may be terminated at any time by the State Board. The  
5 Salary of the Superintendent and all employees shall be fixed by the  
6 State Board. All appointments by the State Board shall be without  
7 reference to party affiliation and shall be based solely upon  
8 fitness, ability and proper qualification for the particular  
9 position, and they shall serve at the pleasure of the State Board.

1     Sec. 12. The Superintendent shall be a graduate of an accredited

2 university or college, or of a four-year course above high school  
3 grade in an accredited normal school. He shall hold or be eligible  
4 to hold a regular Iowa superintendent's certificate based upon  
5 training, and shall have had at least five years teaching experience.

1 Sec. 13. The Superintendent and any members of the staff  
2 designated by the Board, shall give bond as provided in section  
3 sixty-four point six (64.6), Code 1946.

1 Sec. 14. Section thirty-nine point twelve (39.12), Code 1946,  
2 is hereby repealed.

1 Sec. 15. Section nineteen point twenty-five (19.25), Code 1946,  
2 is amended by substituting the words "State Board" for "Superin-  
3 in item sixteen (16), line twenty-three (23).  
tendent"

1 Sec. 16. Section sixty-nine point three (69.3), Code 1946, is  
2 amended by striking from line twelve (12) the words "or  
3 Superintendent of Public Instruction".

1 Sec. 17. Section two hundred fifty-seven point two (257.2),  
2 Code 1946, is hereby repealed.

1 Sec. 18. Amend section two hundred eighty-one point one (281.1),  
2 Code 1946, by striking the semi-colon (;) after the word "Department"  
3 in line seven (7) and substituting in lieu thereof a period (.) and  
4 by striking the remainder of the section and substituting in lieu  
5 thereof the following: "The State Board is authorized to organize  
6 the division and to employ the necessary qualified personnel to  
7 carry out the provisions of this chapter."

#### EXPLANATION H. F. 598

This bill proposes to establish a state board of public instruction for the state of Iowa. It also changes the method of selection of the superintendent of public instruc-

tion from that of being elected on a partisan state-wide ballot to that of being chosen by the state board of public instruction. The board of public instruction is elected by the people of a non-partisan ballot. It will take the schools out of party politics and make the administration of the office a professional job. It defines the powers and duties of the board and the superintendent and provides for the organization of the office on a more efficient basis. This proposal has been made by two code commissions and is now proposed by the present state superintendent of public instruction in order to make it possible to put the department of public instruction on a high professional level.