

Senate substituted H.F. 229- 4/14

March 27, 1953.
Passed on File.

Senate File 419
By COMMITTEE ON SCHOOLS AND
EDUCATIONAL INSTITUTIONS.

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

A BILL FOR

An Act to amend, revise, and codify chapters two hundred seventy five (275) and two hundred seventy-six (276), Code 1950, relating to school district reorganization and boundary changes, to repeal certain sections of the code 1950 relating thereto and to amend certain sections of the Code relating thereto.

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

1 Chapters two hundred seventy-five (275) and two hundred
2 seventy-six (276), Code 1950, are hereby amended, revised, and
3 codified to read as follows:

1 Section 1. Declaration of policy—surveys. It is hereby
2 declared to be the policy of the state to encourage the reorgani-
3 zation of school districts into such units as are necessary,
4 economical and efficient and which will insure an equal opportunity
5 to all children of the state. In conformity to the county
6 administration law, chapter two hundred seventy-three (273), the
7 county board of education in each county of the state shall
8 initiate detailed studies and surveys of the school districts
9 within the county and territory adjacent thereto for the purpose
10 of promoting such reorganization of districts by unions, mergers,
11 reorganizations or centralization as will effect more economical

12 operation and the attainment of higher standards of education in
13 schools.

1 Sec. 2. Scope of surveys. The scope of such studies and
2 surveys shall include the following matters in the various
3 districts in the county: the adequacy of the educational program,
4 average daily attendance of pupils, property valuations, existing
5 buildings and equipment, natural community areas, road conditions,
6 transportation, economic factors, and such other matters that may
7 bear on educational programs meeting minimum standards required
8 by law.

1 Sec. 3. Minimum standards. No new school district shall
2 be planned by a county board of education nor shall any proposal
3 for creation or enlargement of any school district be approved by
4 a county board of education or submitted to electors unless there
5 reside within the proposed limits of such district at least two
6 hundred persons of school age who were enrolled in public schools
7 in the preceding school year. Provided, however, that the state
8 superintendent of public instruction shall have authority to grant
9 permission to a county board to approve the formation or enlargement
10 of a school district containing a lower school population than
11 above provided on the written request of such county board of
12 education if such request is accompanied by evidence tending to
13 show that sparsity of population, natural barriers or other good
14 reason makes it impracticable to meet said school population
15 requirement.

1 Sec. 4. Hearings. In making the studies and surveys required

2 by section two (2) the board in each county shall consult with the
3 officials of affected districts and other citizens, and shall from
4 time to time hold public hearings, and may employ such research
5 and other assistance as it may determine reasonably necessary in
6 order to properly carry on its survey and prepare definite plans
7 of reorganization.

8 Upon the written request of the county boards of education
9 in adopting reorganization plans which conform to the statewide
10 plan of education and to state laws, the state superintendent of
11 public instruction shall cause reorganization plans and suggestions
12 to be prepared and forwarded to the county superintendents of
13 schools together with such recommendations as may promote the
14 purposes set forth in section one (1) of this Act.

1 Sec. 5. Tentative plans. Pending completion of the final
2 plans provided for in sections one (1) to four (4) hereof, the
3 county board of education shall prepare and approve tentative
4 plans for reorganization of school districts within the county
5 after consultation with the boards of the various districts in
6 the county and the state department of public instruction. Within
7 ten days after the county board has approved their tentative plan
8 they shall file such plan with the state department of public
9 instruction. Any proposal for merger, consolidation or boundary
10 change shall first be submitted to the county board of education
11 for approval before being submitted at an election. Such
12 proposal shall in no way interfere with the countywide plan for
13 reorganization which has been approved by the county board. Such

14 proposals may provide for reducing an existing school district to
15 less than four government sections and where such proposal is
16 put into effect by election by one of the methods hereinafter
17 provided the county board shall attach such remaining portions
18 of less than four sections to another school district as provided
19 for in their county plan.

1 Sec. 6. Progressive program. It is the intent of this
2 chapter that the county board shall carry on the program of
3 reorganization progressively and shall, insofar as is possible,
4 authorize submission of proposals to the electors as they are
5 developed and approved.

1 Sec. 7. Budget. The county board of education shall
2 include in the budget submitted each year such sums as it deems
3 necessary to carry on its reorganization work under this chapter.

1 Sec. 8. Co-operation of state department. The state
2 department of public instruction shall co-operate with the
3 several county boards of education in making the studies and
4 surveys required hereunder. In the case of controversy over
5 the planning of joint districts, the matter shall be submitted to
6 the state department of public instruction and its decision may be
7 appealed to a court of record in one of the counties involved, by
8 an aggrieved party to the controversy, within thirty days after
9 the decision of the state department of public instruction. Joint
10 districts shall mean districts that lie in two or more adjacent
11 counties.

1 Sec. 9. Methods of effectuating reorganizations plans.

2 When any school district is enlarged, reorganized, or changes
3 its boundaries pursuant to the plans hereinabove provided for,
4 such enlargement, reorganization, or boundary change shall be
5 accomplished by one of the methods hereinafter provided.

1 Sec. 10. Proposals affecting two districts. Pursuant
2 to county plan and upon the approval of the county board of
3 education, the boards of directors of any two school districts
4 which have a common boundary may by concurrent action merge such
5 districts or adjust the boundary line between such districts at
6 their regular meetings in July, or at special meetings thereafter
7 called for that purpose; provided a written request for such
8 action by any ten legal voters residing in each of said districts
9 or, if there be not ten, then a majority of such voters, has been
10 filed with their respective board of directors and the proposed
11 boundary changes are approved by the legal voters in each of said
12 districts at an election called and conducted as provided in
13 chapter two hundred seventy-seven (277). If a majority of the
14 votes cast in each of the affected districts are in favor of the
15 change, the same shall go into effect on the first day of July
16 following the election.

1 Sec. 11. Proposals involving three or more districts.
2 Pursuant to county plan and subject to the approval of the county
3 board of education contiguous territory located in three or more
4 school districts may be united into a single district in the
5 manner provided in sections twelve (12) to twenty-three (23) hereof.

1 Sec. 12. Petition. A petition describing the boundaries

2 of the proposed district, which boundaries shall conform to county
3 plan or the petition shall request amendment of the county plan,
4 signed by at least one-third of the voters residing within such
5 proposed boundaries, shall be filed with the county superintendent
6 of the county in which the greater number of the qualified
7 electors reside.

1 Sec. 13. Affidavit—presumption. Such petition shall be
2 accompanied by an affidavit showing the number of qualified
3 electors living in the territory described in the petition and
4 signed by a qualified elector residing in the territory, and if
5 parts of the territory described in the petition are situated
6 in different counties, the affidavit shall show separately as to
7 each county, the number of qualified electors in the part of the
8 county included in the territory described. The affidavit shall
9 be taken as true unless objections to it are filed on or before
10 the time fixed for filing objections as provided in section
11 fourteen (14) hereof.

1 Sec. 14. Objection—time of filing—notice. Within ten
2 days after the petition is filed, the county superintendent shall
3 fix a final date for filing objections to the petition in the
4 office of the county superintendent, and give notice for at least
5 ten days, by one publication in a newspaper published within the
6 territory described in the petition, or if none is published
7 therein, in one official county newspaper in the county where the
8 petition is filed. Objections shall be in writing in the form of
9 an affidavit and may be made by any person residing or owning land

10 within the territory described in the petition, or who would be
11 injuriously affected by the change petitioned for and shall be on
12 file not later than twelve o'clock noon of the final day fixed
13 for filing objections.

1 Sec. 15. Hearing—decision—publication of order. On the
2 final day fixed for filing objections, interested parties may
3 present evidence and arguments, and the county board of education
4 shall review the matter on its merits and within five days after
5 the conclusion of any hearing, shall rule on the objections and
6 shall enter an order fixing such boundaries for the proposed
7 school corporation as will in its judgment be for the best
8 interests of all parties concerned, having due regard for the
9 welfare of adjoining districts or dismiss the petition which
10 shall be final. If such boundaries are neither those petitioned
11 for nor those fixed by the county plan, the hearing shall be
12 adjourned and notice for the adjourned hearing shall be given in
13 the same manner as hereinabove provided and upon the final hearing
14 the board shall fix the boundaries, or dismiss the petition which
15 shall be final. The county superintendent shall at once publish
16 this order in the same newspaper in which the original notice was
17 published and file any amendments to the county plan in the same
18 manner as hereinabove provided for the original or tentative county
19 plan.

1 Sec. 16. Hearing when territory in different counties. If
2 the territory described in the petition for the proposed corpora-
3 tion lies in more than one county, the county superintendent with

4 whom the petition is filed shall fix the time and place and call
5 a joint meeting of the members of all the county boards of
6 education of the counties in which any territory of the proposed
7 school corporation lies, to act as a single board for the hearing
8 of the said objections, and a majority of all members not
9 disqualified under section seventeen (17) hereof of the county
10 boards of education of the different counties in which any part
11 of the proposed corporation lies, shall constitute a quorum
12 and it shall determine and fix boundaries for the proposed
13 corporation as provided in section fifteen (15) hereof, or
14 dismiss the petition, which shall be final unless county plans
15 are amended in which event the decision of the joint county
16 boards may be appealed as provided in section eight (8). The
17 county superintendent shall at once publish this decision in
18 the same newspaper in which the original notice was published.

1 Sec. 17. Interested parties as judges. No member of a
2 county board of education who lives or owns land within the
3 proposed district or within any existing district affected by
4 the proposed change in boundaries, or who has filed objection
5 to the establishment of the new school corporation, shall take
6 any part in determining any matter concerning the establishment
7 of such school corporation, which may come before the county
8 board or a joint meeting for a hearing. When members are
9 disqualified under this section a majority of the qualified
10 members shall constitute a quorum. A tie vote of members at a

11 hearing under sections fifteen (15) or sixteen (16) shall be
12 deemed as granting the petition.

1 Sec. 18. Special election called—time. When the
2 boundaries of the territory to be included in a proposed school
3 corporation have been determined as herein provided, the county
4 superintendent with whom such petition is filed shall call a
5 special election in such proposed school corporation within
6 thirty days from the date of the final determination of such
7 boundaries, by giving notice by one publication in the same
8 newspaper as previous notices concerning it have been published,
9 which publication shall be not less than ten nor more than fifteen
10 days prior to the election. In the case of joint districts, no
11 notice for an election shall be published until the time for
12 appeal, which shall be the same as that provided in section two
13 hundred eighty-five point twelve (285.12), has expired; and in the
14 event of an appeal, not until the same has been disposed of.

1 Sec. 19. Judges of election. The county superintendent
2 shall appoint the judges of such election and such judges shall
3 be qualified electors of the territory of the proposed school
4 corporation as determined by the county superintendent or board of
5 education, and they shall serve without pay. If any judge fails
6 to appear at the proper time, his place shall be filled by the
7 judge or judges present, or if no judge appears, any three
8 qualified electors may organize the election board.

1 Sec. 20. Separate vote in urban territory. When it is
2 proposed to include in such district a school corporation containing

3 a city, town, or village with a population of two hundred or more
4 inhabitants, the voters residing upon the territory outside the
5 limits of such school corporation shall vote separately upon the
6 proposition to create such new corporation. The newly formed
7 board of any rural-urban reorganization affected under the
8 provisions of this chapter shall provide for at least one rural
9 member on the board who shall be a farmer residing on and operating
10 a farm within the district.

1 Sec. 21. Separate vote in consolidated districts. When
2 it is proposed to include in such district a school corporation
3 which contains an area of more than sixteen sections and which
4 maintains a central school, the voters residing in the territory
5 within the limits of said school corporation shall vote separately
6 upon the proposition to create such new corporation.

1 Sec. 22. Separate ballot boxes. The judges of election
2 shall provide separate ballot boxes in which shall be deposited
3 the votes cast by the qualified electors from their respective
4 territories.

1 Sec. 23. Canvass and return. The judges of election shall
2 count the ballots, make return to and deposit the ballots with the
3 county superintendent, who shall enter the return of record in his
4 office. If the majority of the votes cast by the qualified
5 electors are in favor of the proposition, a new school corporation
6 shall be organized, except that in cases where separate ballot
7 boxes are required by law, a majority of the votes cast by the

8 qualified electors from their respective territories shall be
9 required.

1 Sec. 24. Effective date of change. When any school district
2 is enlarged, reorganized, or changes its boundary by the method
3 provided in section ten (10) or the method provided in sections
4 eleven (11) to twenty-three (23) hereof, the effective date of
5 such change shall be July 1 following the election of the new
6 board.

1 Sec. 25. Election of directors. If the proposition to
2 establish a new corporation carries under the method provided in
3 sections eleven (11) to twenty-three (23) hereof a special election
4 shall be called on or before the tenth day of the following June
5 by the county superintendent by giving notice by one publication
6 in the same newspaper in which the former notices were published
7 and he shall appoint judges who shall serve without pay. At such
8 election, two directors shall be elected to serve until the next
9 regular election, two until the second, and one until the third
10 regular election thereafter, and until such time as their
11 successors are elected and qualified. The judges of election
12 shall make return to the county superintendent who shall enter
13 the return of record in his office and notify the persons who are
14 elected directors. The new board shall meet and organize on July 1
15 following their election.

16 If a proposition submitted under section ten (10) carries,
17 a special election shall be called and conducted in the manner
18 above provided in all cases where the population of territory

19 added exceeds twenty-five per cent of the population of the
20 district to which such territory is added. In all other cases
21 under section ten (10) the incumbent board members shall
22 continue to hold office for their elective terms. Vacancies on
23 any board caused by change in boundaries shall be filled in the
24 manner provided in sections two hundred seventy-nine point six
25 (279.6) and two hundred seventy-nine point seven (279.7).

1 Sec. 26. Payment of expenses. If a district is established
2 or changes its boundaries by either of the said methods it shall
3 pay all expenses incurred by the superintendent and the board of
4 education in connection with the proceedings, including the
5 election of the first board of directors. If the proposition is
6 defeated at the election all expenses shall be apportioned among
7 the several districts in proportion to the assessed valuation of
8 property therein.

9 If the proposed district or boundary change embraces
10 territory in more than one county such expenses shall be certified
11 to and, if necessary, apportioned among the several districts by
12 the joint board of education. If in only one county the
13 certification shall be made by the county superintendent.

14 The respective boards to which such expenses are certified
15 shall audit and order the same paid from the general fund. In
16 the event of failure of any board to so audit and pay the expenses
17 certified to it, the county superintendent shall certify the
18 expenses to the county auditor in the same manner as is provided
19 for tuition claims in section two hundred eighty-two point

20 twenty-one (282.21) and the funds shall be transferred by the
21 county treasurer from the debtor district to the county board of
22 education for payment of said expenses.

1 Sec. 27. Names. School districts created or enlarged
2 under the provisions of this chapter shall be known as community
3 school districts and shall be part of the county school system
4 and all provisions of law applicable to the common schools
5 generally shall be applicable to such districts in addition to
6 the powers and privileges conferred by this chapter.

1 Sec. 28. Division of assets and liabilities. A plan of
2 reorganization in addition to setting up the territory to comprise
3 the reorganized districts may provide for a division of assets
4 and liabilities of the old districts between reorganized districts.
5 If no provision is made for the plan for division of assets and
6 liabilities, such division shall be made under the provisions of
7 sections twenty-nine (29) to thirty-one (31), inclusive, hereof.

1 Sec. 29. Division of assets and liabilities. Within
2 twenty days after the organization of the new boards, they shall
3 meet jointly with the several boards of directors whose districts have
4 been affected by the organization of the new corporation or
5 corporations and all of said boards acting jointly shall recommend
6 to the several boards an equitable division of the assets of the
7 several school corporations or parts thereof and an equitable
8 distribution of the liabilities of such school corporations or
9 parts thereof among the new school corporations.

1 Sec. 30. Arbitration. If the boards cannot agree on such

2 division and distribution, the matters on which they differ shall
3 be decided by disinterested arbitrators, one selected by each
4 board having an interest therein, and if the number thus selected
5 is even, then one shall be added by the county superintendent.
6 The decision of the arbitrators shall be made in writing and filed
7 with the secretary of the new corporation, and any party to the
8 proceedings may appeal therefrom to the district court by serving
9 notice thereof on such secretary within twenty days after the
10 decision is filed. Such appeal shall be tried in equity and a
11 decree entered determining the entire matter, including the levy,
12 collection, and distribution of any necessary taxes.

1 Sec. 31. Taxes to effect equalization. If necessary to
2 equalize such division and distribution, the board or boards may
3 provide for the levy of additional taxes upon the property of any
4 corporation or part of corporation and for the distribution of
5 the same so as to effect such equalization.

1 Sec. 32. School buildings—tax levy. The board of any
2 school corporation shall establish attendance centers and provide
3 suitable buildings for each school in the district, and may at the
4 regular or a special meeting call a special election to submit to
5 the qualified electors of the district the question of voting a
6 tax or authorizing the board to issue bonds, or both, for any or
7 all of the following purposes:

- 8 1. To secure sites, build, purchase, or equip school buildings.
- 9 2. To build or purchase a superintendent's or teacher's
10 house or houses.

11 3. To repair or improve any school building or grounds, when
12 the cost will exceed five thousand dollars.

13 All moneys received for such purposes shall be placed in
14 the schoolhouse fund of said corporation and shall be used only
15 for the purpose for which voted.

1 Sec. 33. Contracts not affected. The terms of employment
2 of superintendents, principals, and teachers, for any current
3 school year shall not be affected by the formation of the new
4 district.

1 Sec. 34. Nothing herein contained shall be construed as
2 invalidating the organization of any school district existing on
3 the effective date of this Act nor shall any proceedings for
4 merger, consolidation, boundary change, or creation of a new
5 school district commenced prior to the effective date of this
6 Act be invalidated by the provisions of this Act.

1 Sec. 35. Chapters two hundred seventy-five (275) and two
2 hundred seventy-six (276), Code 1950, are hereby repealed.

1 Sec. 36. Sections two hundred seventy-four point sixteen
2 (274.16) to two hundred seventy-four point thirty-four (274.34),
3 both inclusive, and two hundred seventy-four point thirty-seven
4 (274.37) and two hundred seventy-four point thirty-eight (274.38),
5 Code 1950, and all amendments thereto are hereby repealed.

1 Sec. 37. Section three (3) of chapter ninety-four (94),
2 Acts of the Fifty-fourth General Assembly, is hereby repealed.

1 Sec. 38. Chapter one hundred ten (110), Acts of the
2 Fifty-third General Assembly, is hereby repealed.

