

SENATE FILE

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BY DELUHERY, DRAKE, BOSWELL, SOORHOLTZ, VARN, BORLAUG, PRIEBE, TINSMAN, KINLEY, PATE, WELSH, TAYLOR, LLOYD-JONES, HAGERLA, MURPHY, KRAMER, CONNOLLY, SLIFE, ROSENBERG, SZYMONIAK, KIBBIE, HANNON, GRONSTAL, FRAISE, RIORDAN, HUSAK, and DIELEMAN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the election of directors of a local school  
2 district, area education agency, and merged areas, and  
3 providing an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 39.24, Code 1991, is amended to read as  
2 follows:

3 39.24 SCHOOL OFFICERS.

4 Members of boards of directors of community and independent  
5 school districts, and boards of directors of merged areas  
6 shall be elected at the school election. Their terms of  
7 office shall be three ~~four~~ years, except as otherwise provided  
8 by section 275.23A, ~~or~~ 280A.11, 280A.12, or 280A.13.

9 Sec. 2. Section 273.8, subsection 1, Code 1991, is amended  
10 to read as follows:

11 1. Board of directors. The board of directors of an area  
12 education agency shall consist of not less than five nor more  
13 than nine members, each a resident of and elected in the  
14 manner provided in this section from a director district that  
15 is approximately equal in population to the other director  
16 districts in the area education agency. Each director shall  
17 serve a ~~three-year~~ four-year term which commences at the  
18 organization meeting.

19 Sec. 3. Section 273.8, subsection 2, unnumbered paragraph  
20 2, Code 1991, is amended to read as follows:

21 The director district conventions shall be called and the  
22 locations of the conventions shall be determined by the area  
23 education agency administrator. ~~Annually~~ Biennially the  
24 director district conventions shall be held within two weeks  
25 following the regular school election. Notice of the time,  
26 date and place of a director district convention shall be  
27 published by the area education agency administrator at least  
28 forty-five days prior to the day of the district conventions  
29 in at least one newspaper of general circulation in the  
30 director district. The cost of publication shall be paid by  
31 the area education agency.

32 Sec. 4. Section 273.8, subsection 3, unnumbered paragraph  
33 1, Code 1991, is amended to read as follows:

34 The board of directors of each area education agency shall  
35 meet and organize at the first regular meeting in October

1 January of each even-numbered year at a suitable place  
2 designated by the president. Directors whose terms commence  
3 at the organization meeting shall qualify by taking the oath  
4 of office required by section 277.28 at or before the  
5 organization meeting.

6 Sec. 5. Section 274.7, Code 1991, is amended to read as  
7 follows:

8 274.7 DIRECTORS.

9 The affairs of each school corporation shall be conducted  
10 by a board of directors, the members of which in all community  
11 or independent school districts shall be chosen for a term of  
12 three four years.

13 Sec. 6. Section 275.12, subsection 2, paragraphs b through  
14 e, Code 1991, are amended to read as follows:

15 b. Division of the entire school district into designated  
16 geographical single director or multi-director subdistricts on  
17 the basis of population for each director, to be known as  
18 director districts, each of which ~~director-districts~~ shall be  
19 represented on the school board by one or more directors who  
20 shall be residents of the director district but who shall be  
21 elected by the vote of the electors of the entire school  
22 district. The boundaries of the director districts and the  
23 area and population included within each district shall be  
24 such as justice, equity, and the interests of the people may  
25 require. Changes in the boundaries of director districts  
26 shall not be made during a period commencing sixty days prior  
27 to the date of the annual regular school election. Insofar As  
28 far as ~~may-be~~ practicable, the boundaries of the districts  
29 shall follow established political or natural geographical  
30 divisions.

31 c. Election of not more than one-half of the total number  
32 of school directors at large from the entire district and the  
33 remaining directors from and as residents of designated  
34 single-member or multi-member director districts into which  
35 the entire school district shall be divided on the basis of

1 population for each director. In such case, all directors  
2 shall be elected by the electors of the entire school  
3 district. Changes in the boundaries of director districts  
4 shall not be made during a period commencing sixty days prior  
5 to the date of the annual regular school election.

6 d. Division of the entire school district into designated  
7 geographical single director or multi-director subdistricts on  
8 the basis of population for each director, to be known as  
9 director districts, each of which ~~director-districts~~ shall be  
10 represented on the school board by one or more directors who  
11 shall be residents of the director district and who shall be  
12 elected by the voters of the director district. Place of  
13 voting in the director districts shall be designated by the  
14 commissioner of elections. Changes in the boundaries of  
15 director districts shall not be made during a period  
16 commencing sixty days prior to the date of the annual regular  
17 school election.

18 e. In districts having seven directors, election of three  
19 directors at large by the electors of the entire district, one  
20 no more than two at each annual regular school election, and  
21 election of the remaining directors as residents of and by the  
22 electors of individual geographic subdistricts established on  
23 the basis of population and identified as director districts,  
24 no more than two at a regular school election. Boundaries of  
25 the subdistricts shall follow precinct boundaries, insofar as  
26 far as practicable, and shall not be changed less than sixty  
27 days prior to the annual regular school election.

28 Sec. 7. Section 275.25, subsection 3, Code 1991, is  
29 amended to read as follows:

30 3. The directors who are elected and qualify to serve  
31 shall serve until their successors are elected and qualify.  
32 At the special election, the three newly elected ~~director~~  
33 directors receiving the most votes shall be elected to serve  
34 until ~~the-director's-successor-qualifies~~ their successors  
35 qualify after the fourth third regular school election date

1 occurring after the effective date of the reorganization; and  
 2 the two newly elected directors receiving the next largest  
 3 number of votes shall be elected to serve until the directors'  
 4 successors qualify after the ~~third~~ second regular school  
 5 election date occurring after the effective date of the  
 6 reorganization; ~~and the two newly elected directors receiving~~  
 7 ~~the next largest number of votes shall be elected to serve~~  
 8 ~~until the directors' successors qualify after the second~~  
 9 ~~regular school election date occurring after the effective~~  
 10 ~~date of the reorganization.~~ However, in districts that  
 11 include all or a part of a city of fifteen thousand or more  
 12 population and in districts in which the proposition to  
 13 establish a new corporation provides for the election of seven  
 14 directors, the ~~three newly elected directors receiving the~~  
 15 ~~most votes shall be elected to serve until the directors'~~  
 16 ~~successors qualify after the fourth regular school election~~  
 17 ~~date occurring after the effective date of the reorganization~~  
 18 timelines specified in this subsection for the terms of office  
 19 apply to the four newly elected directors receiving the most  
 20 votes and then to the three newly elected directors receiving  
 21 the next largest number of votes.

22 Sec. 8. Section 275.36, Code 1991, is amended to read as  
 23 follows:

24 275.36 SUBMISSION OF CHANGE TO ELECTORS.

25 If a petition for a change in the number of directors or in  
 26 the method of election of school directors, describing the  
 27 boundaries of the proposed director districts, if any, signed  
 28 by eligible electors of the school district equal in number to  
 29 at least thirty percent of those who voted in the last  
 30 previous ~~annual~~ regular school election in the school  
 31 district, but not less than twenty-five persons, and  
 32 accompanied by affidavit as required by section 275.13 ~~be~~ is  
 33 filed with the school board of a school district, not earlier  
 34 than six months and not later than two months before a regular  
 35 or special school election, the school board shall submit each

1 the proposition to the voters at ~~such~~ the election. If a  
2 proposition for a change in the number of directors or in the  
3 method of election of school directors submitted to the voters  
4 under this section is rejected, it shall not be resubmitted to  
5 the voters of the district in substantially the same form  
6 within the next three years; if it is approved, no other  
7 proposal ~~may~~ shall be submitted to the voters of the district  
8 under this section within the next six years.

9 Sec. 9. Section 275.37, Code 1991, is amended to read as  
10 follows:

11 275.37 INCREASE IN NUMBER OF DIRECTORS.

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

23 Sec. 10. Section 275.38, Code 1991, is amended to read as  
24 follows:

25 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

26 If change in the method of election of school directors is  
27 approved at a regular or special school election, the  
28 directors who were serving unexpired terms or were elected  
29 concurrently with approval of the change of method shall serve  
30 out the terms for which they were elected. If the plan  
31 adopted is that described in section 275.12, subsection 2,  
32 paragraph "b," "c," "d," or "e," the board shall at the  
33 earliest practicable time designate the districts from which  
34 residents are to be elected as school directors at each of the  
35 next ~~three~~ two succeeding ~~annual~~ regular school elections,

1 arranging so far as possible for elections of directors as  
2 residents of the respective districts to coincide with the  
3 expiration of terms of incumbent members residing in those  
4 districts. If an increase in the size of the board from five  
5 to seven members is approved concurrently with the change in  
6 method of election of directors, the board shall make the  
7 necessary adjustment in the manner prescribed in section  
8 275.37, as well as providing for implementation of the  
9 districting plan under this section.

10 Sec. 11. Section 275.41, subsections 4, 6, and 7, Code  
11 1991, are amended to read as follows:

12 4. If the total number of directors determined under  
13 subsection 2 or 3 is an odd number, the board of the district  
14 with the largest population shall designate the term of office  
15 of one of the members who is retained to commence at the  
16 organizational meeting of the board of the newly formed  
17 district and to end at the organizational meeting following  
18 the ~~fourth~~ third regular school election held thereafter in  
19 the manner specified in the reorganization petition.

20 If the total number of directors determined under  
21 subsection 2 or 3 is an even number, that number of directors  
22 shall function until a special election can be held, at which  
23 time an additional director shall be elected to a term from  
24 the newly formed district ending at the organizational meeting  
25 following the ~~fourth~~ third regular school election held  
26 thereafter. The procedure for calling the special election  
27 shall be the procedure specified in section 275.25.

28 6. At the ~~second~~ first regular school election held after  
29 the effective date of the merger, the two vacancies which will  
30 occur on the board shall be filled in a manner specified in  
31 the reorganization petition.

32 7. At the ~~third~~ second regular school election held after  
33 the effective date of merger, if a five-member board is  
34 specified in the reorganization petition, two directors shall  
35 be elected in the manner specified in the reorganization

1 petition and if a seven-member board is specified in the  
2 reorganization petition, four directors shall be elected, two  
3 for one-year two-year terms and two for three-year four-year  
4 terms, in the manner specified in the reorganization petition.

5 Sec. 12. Section 277.1, Code 1991, is amended to read as  
6 follows:

7 277.1 REGULAR ELECTION.

8 The regular election shall be held ~~annually~~ biennially on  
9 the second first ~~in-September~~ following the first  
10 Monday in November of each odd-numbered year in each school  
11 district for the election of officers of the district and  
12 merged area and for the purpose of submitting to the voters  
13 any matter authorized by law.

14 Sec. 13. Section 277.2, Code 1991, is amended to read as  
15 follows:

16 277.2 SPECIAL ELECTION.

17 The board of directors in a school corporation may call a  
18 special election at which the voters shall have the powers  
19 exercised at the regular election with reference to the sale  
20 of school property and the application to be made of the  
21 proceeds, the authorization to change the method of election  
22 of school directors to any method authorized by section  
23 275.12, the authorization of seven members on the board of  
24 directors, the authorization to establish or change the  
25 boundaries of director districts, and the authorization of a  
26 voter-approved physical plant and equipment levy or  
27 indebtedness, as provided by law.

28 Sec. 14. Section 277.20, unnumbered paragraph 1, Code  
29 1991, is amended to read as follows:

30 On the next Friday Monday after the regular school  
31 election, the county board of supervisors shall canvass the  
32 returns made to the county commissioner of elections from the  
33 several precinct polling places and the absentee ballot  
34 counting board, ascertain the result of the voting with regard  
35 to every matter voted upon and cause a record to be made

1 thereof as required by section 50.24. Special elections held  
2 in school districts shall be canvassed at the time and in the  
3 manner required by that section. The board shall declare the  
4 results of the voting for members of boards of directors of  
5 school corporations nominated pursuant to section 277.4, and  
6 the commissioner shall at once issue a certificate of election  
7 to each person declared elected. The board shall also declare  
8 the results of the voting on any public question submitted to  
9 the voters of a single school district, and the commissioner  
10 shall certify the result as required by section 50.27.

11 Sec. 15. Section 277.23, unnumbered paragraph 2, Code  
12 1991, is amended to read as follows:

13 A change from five to seven directors shall be effected in  
14 a district at the first regular election after authorization  
15 by the voters or when a district becomes wholly or in part  
16 within a city of fifteen thousand population or more in the  
17 following manner: If the term of ~~one-director~~ two directors  
18 of the five-member board expires at the time of ~~said the~~  
19 regular election, ~~three~~ four directors shall be elected to  
20 serve until the ~~third~~ second following regular election  
21 ~~thereafter~~; if the terms of ~~two~~ three directors expire at the  
22 time of ~~said the~~ regular election, three directors shall be  
23 elected to serve until the ~~third~~ second regular election  
24 thereafter and ~~one-director~~ two directors shall be elected to  
25 ~~serve a-term-the-expiration-of-which-coincides-with-the~~  
26 ~~expiration-of-the-term-of-the-director-heretofore-singly~~  
27 ~~elected~~ until the next regular election.

28 Sec. 16. Section 277.25, Code 1991, is amended to read as  
29 follows:

30 277.25 DIRECTORS IN NEW DISTRICTS.

31 At the first election in newly organized districts the  
32 directors shall be elected as follows:

- 33 1. In districts having three directors, ~~one-director~~ two  
34 directors shall be elected for ~~one-year~~ one-for two years,  
35 and one for ~~three~~ four years.

1 2. In districts having five directors, two three shall be  
2 elected for ~~one-year~~-two-for two years, and one two for three  
3 four years.

4 3. In districts having seven directors, two four shall be  
5 elected for ~~one-year~~-two-for two years, and three for ~~three~~  
6 four years.

7 Sec. 17. Section 280A.11, unnumbered paragraph 1, Code  
8 1991, is amended to read as follows:

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

27 Sec. 18. Section 280A.12, unnumbered paragraph 1, Code  
28 1991, is amended to read as follows:

29 The board of directors of the merged area shall organize at  
30 the first regular meeting in ~~October~~ January of each even-  
31 numbered year. Organization of the board shall be effected by  
32 the election of a president and other officers from the board  
33 membership as board members determine. The board of directors  
34 shall appoint a secretary and a treasurer who shall each give  
35 bond as prescribed in section 291.2 and who shall each receive

1 the salary determined by the board. The secretary and  
2 treasurer shall perform duties under chapter 291 and  
3 additional duties the board of directors deems necessary.  
4 However, the board may appoint one person to serve as the  
5 secretary and treasurer. If one person serves as the  
6 secretary and treasurer, only one bond is necessary for that  
7 person. The frequency of meetings other than organizational  
8 meetings shall be as determined by the board of directors but  
9 the president or a majority of the members may call a special  
10 meeting at any time.

11 Sec. 19. Section 280A.13, subsection 1, Code 1991, is  
12 amended to read as follows:

13 1. The board of a merged area may change the number of  
14 directors on the board and shall make corresponding changes in  
15 the boundaries of director districts. Changes shall be  
16 completed not later than July 1 of a fiscal year for the next  
17 regular school election ~~to-be-held-the-next-following~~  
18 September.

19 Sec. 20. Section 280A.13, subsection 4, Code 1991, is  
20 amended to read as follows:

21 4. To the extent possible the board shall provide that  
22 changes in the boundary lines of director districts of merged  
23 areas do not lengthen or diminish the term of office of a  
24 director of the board. Initial terms of office shall be set  
25 by the board so that as nearly as possible the terms of one-  
26 third one-half of the members expire annually biennially.

27 Sec. 21. Section 280A.15, subsection 1, Code 1991, is  
28 amended to read as follows:

29 1. Regular elections held annually by the merged area for  
30 the election of members of the board of directors as required  
31 by section 280A.11, for the renewal of the twenty and one-  
32 fourth cents per thousand dollars of assessed valuation levy  
33 authorized in section 280A.22, or for any other matter  
34 authorized by law and designated for election by the board of  
35 directors of the merged area, shall be held on the date of the

1 school election as fixed by section 277.1. The election  
2 notice shall be made a part of the local school election  
3 notice published as provided in section 49.53 in each local  
4 school district where voting is to occur in the merged area  
5 election and the election shall be conducted by the county  
6 commissioner of elections pursuant to chapters 39 to 53 and  
7 section 277.20.

8 Sec. 22. Section 280A.15, subsection 4, Code 1991, is  
9 amended to read as follows:

10 4. The votes cast in the election shall be canvassed and  
11 abstracts of the votes cast shall be certified as required by  
12 section 277.20. In each county whose commissioner of  
13 elections is responsible under section 47.2 for conducting  
14 elections held for a merged area, the county board of  
15 supervisors shall convene at ten o'clock a.m. on the ~~last~~  
16 Monday in September after the regular school election, canvass  
17 the abstracts of votes cast and declare the results of the  
18 voting. The commissioner shall at once issue certificates of  
19 election to each person declared elected, and shall certify to  
20 the merged area board in substantially the manner prescribed  
21 by section 50.27 the result of the voting on any public  
22 question submitted to the voters of the merged area. Members  
23 elected to the board of directors of a merged area shall  
24 qualify by taking the oath of office prescribed in section  
25 277.28.

26 Sec. 23. Section 280A.22, subsection 1, paragraph a, Code  
27 1991, is amended to read as follows:

28 a. In addition to the tax authorized under section  
29 280A.17, the voters in any a merged area may at the annual  
30 regular school election vote a tax not exceeding twenty and  
31 one-fourth cents per thousand dollars of assessed value in any  
32 one year for a period not to exceed ten years for the purchase  
33 of grounds, construction of buildings, payment of debts  
34 contracted for the construction of buildings, purchase of  
35 buildings and equipment for buildings, and the acquisition of

1 libraries, for the purpose of paying costs of utilities, and  
2 for the purpose of maintaining, remodeling, improving, or  
3 expanding the community college of the merged area. If the  
4 tax levy is approved under this section, the costs of  
5 utilities shall be paid from the proceeds of the levy. The  
6 tax shall be collected by the county treasurers and remitted  
7 to the treasurer of the merged area as provided in section  
8 331.552, subsection 29. The proceeds of the tax shall be  
9 deposited in a separate and distinct fund to be known as the  
10 voted tax fund, to be paid out upon warrants drawn by the  
11 president and secretary of the board of directors of the  
12 merged area district for the payment of costs incurred in  
13 providing the school facilities for which the tax was voted.

14 Sec. 24. In order to accomplish the transition from  
15 election of directors of community and independent school  
16 districts, merged areas, and area education agencies, annually  
17 for terms of three years each to the election of such  
18 directors biennially for terms of four years each, the  
19 following adjustments in terms and times of election shall be  
20 made, notwithstanding other provisions of law:

21 1. The term of office for each director of a community or  
22 independent school district, merged area, and area education  
23 agency board whose term expires in the years 1993 and 1994  
24 shall expire at noon on January 2, 1994, and successors to  
25 these positions shall be elected at the regular election in  
26 1993, or in the case of the area education agency, at the  
27 director district convention in 1993.

28 2. In community, independent, and consolidated school  
29 districts, merged areas, and area education agencies having  
30 five-member boards of directors, the persons elected as  
31 directors in 1993 who receive the greatest and the next  
32 greatest number of votes in that election shall serve terms of  
33 four years each and the other persons so elected shall serve  
34 terms of two years each.

35 3. In community, independent, and consolidated school

1 districts, merged areas, and area education agencies having  
 2 seven-member boards of directors, the persons elected as  
 3 directors in 1993 who receive the greatest, the next greatest,  
 4 and the third greatest number of votes shall serve terms of  
 5 four years each, and the other persons so elected shall serve  
 6 terms of two years each.

7 4. In merged areas and area education agencies having more  
 8 than seven members, the persons elected as directors in 1993  
 9 who receive the greatest, the next greatest, the third  
 10 greatest, and the fourth greatest number of votes shall serve  
 11 terms of four years each, and the other persons so elected  
 12 shall serve terms of two years each.

13 Sec. 25. EFFECTIVE DATE. This Act takes effect on July 1,  
 14 1993, for purposes of holding the regular school election  
 15 during November 1993.

16 EXPLANATION

17 The bill provides for the consolidation of election of the  
 18 directors of local school districts, area education agencies,  
 19 and merged areas on the regular general election day in the  
 20 odd-numbered year, which is the city election day. In order  
 21 to accomplish these purposes, the bill changes the terms of  
 22 these directors from three to four years and provides for a  
 23 transition period. The bill takes effect on July 1, 1993.

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