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SENATE FILE 204
BY HAGERLA

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

A BILL FOR

1 An Act to define the term adjacent district or adjacent territory
2 for purposes of reorganization of a school district.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 204

1 Section 1. Section 275.1, unnumbered paragraph 1, Code
2 1991, is amended to read as follows:

3 It is the policy of the state to encourage economical and
4 efficient school districts which will ensure an equal
5 educational opportunity to all children of the state. All
6 areas of the state shall be in school districts maintaining
7 kindergarten and twelve grades. If a school district ceases
8 to maintain kindergarten and twelve grades except as otherwise
9 provided in section 282.9, 256.13, 280.15, 282.7, subsection 1
10 or subsections 1 and 3, or 282.8, it shall reorganize within
11 six months or the state board shall attach the school district
12 not maintaining kindergarten and twelve grades to one or more
13 adjacent districts. Voluntary reorganizations under this
14 chapter shall be commenced only if the affected school
15 districts are contiguous adjacent to one another. A
16 reorganized district shall meet the requirements of section
17 275.3.

18 Sec. 2. Section 275.1, Code 1991, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 4. "Adjacent district" or "adjacent
21 territory" means a district or territory which shares all or a
22 portion of a boundary with another district or territory, or
23 which is separated from another district or territory by
24 property which is not part of a third or different state
25 school district.

26 Sec. 3. Section 275.4, unnumbered paragraph 2, Code 1991,
27 is amended to read as follows:

28 In addition, the area education agency board shall consult
29 with the commissioner of public instruction in the development
30 of surveys and plans. The commissioner of public instruction
31 shall provide assistance to the area education agency boards
32 as requested and shall advise the area education agency boards
33 concerning plans of contiguous adjacent area education
34 agencies and the reorganization policies adopted by the state
35 board of public instruction.

1 Sec. 4. Section 275.8, subsection 1, Code 1991, is amended
2 to read as follows:

3 1. Preparation of a written joint plan in which ~~contiguous~~
4 adjacent territory in two or more area education agencies is
5 considered as a part of a potential school district in the
6 area education agency on behalf of which such plan is filed
7 with the state department of public instruction by the area
8 education agency board.

9 Sec. 5. Section 275.11, Code 1991, is amended to read as
10 follows:

11 275.11 PROPOSALS INVOLVING TWO OR MORE DISTRICTS.

12 Subject to the approval of the area education agency board
13 ~~contiguous~~ adjacent territory located in two or more school
14 districts may be united into a single district in the manner
15 provided in sections 275.12 to 275.22 hereof.

16 Sec. 6. Section 275.23A, subsection 1, Code 1991, is
17 amended to read as follows:

18 1. School districts which have directors who represent
19 director districts as provided in section 275.12, subsection
20 2, paragraphs b through e, shall be divided into director
21 districts on the basis of population as determined from the
22 most recent federal decennial census. The director districts
23 shall be as nearly equal as practicable to the ideal
24 population for the districts as determined by dividing the
25 number of director districts to be established into the
26 population of the school district. The director districts
27 shall be composed of ~~contiguous~~ adjacent territory as compact
28 as practicable.

29 Sec. 7. Section 275.51, unnumbered paragraph 1, Code 1991,
30 is amended to read as follows:

31 As an alternative to school district reorganization
32 prescribed in this chapter, the board of directors of a school
33 district may establish a school district dissolution
34 commission to prepare a proposal of dissolution of the school
35 district and attachment of all of the school district to one

1 or more contiguous adjacent school districts and to include in
2 the proposal a division of the assets and liabilities of the
3 dissolving school district. A school district dissolution
4 commission may also be established by the board of directors
5 of a school district if a dissolution proposal has been
6 prepared by eligible electors who reside within the district.
7 The proposal must contain the names of the proposed members of
8 the commission and be accompanied by a petition which has been
9 signed by at least twenty percent of the eligible electors.

10 Sec. 8. Section 275.52, unnumbered paragraph 2, Code 1991,
11 is amended to read as follows:

12 The commission shall request statements from contiguous
13 adjacent school districts outlining each district's
14 willingness to accept attachments of the affected school
15 district to the contiguous adjacent districts and what
16 conditions, if any, the contiguous adjacent school district
17 recommends. The commission shall meet with boards of
18 contiguous adjacent school districts and with residents of the
19 affected school district to the extent possible in drawing up
20 the dissolution proposal. The commission may seek assistance
21 from the area education agency and the department of
22 education.

23 Sec. 9. Section 275.54, unnumbered paragraph 1, Code 1991
24 is amended to read as follows:

25 Within ten days following the filing of the dissolution
26 proposal with the board, the board shall fix a date for a
27 hearing on the proposal which shall not be more than sixty
28 days after the dissolution petition was filed with the board.
29 The board shall publish notice of the date, time, and location
30 of the hearing at least ten days prior to the date of the
31 hearing by one publication in a newspaper in general
32 circulation in the district. The notice shall include the
33 content of the dissolution proposal. A person residing or
34 owning land in the school district may present evidence and
35 arguments at the hearing. The president of the board shall

1 preside at the hearing. The board shall review testimony from
2 the hearing and shall adopt or amend and adopt the dissolution
3 proposal. The board shall notify by registered mail the
4 boards of directors of all school districts to which area of
5 the affected school district will be attached and the director
6 of the department of education of the contents of the
7 dissolution proposal adopted by the board. If the board of a
8 district to which area of the affected school district will be
9 attached objects to the attachment, that portion of the
10 dissolution proposal will not be included in the proposal
11 voted upon under section 275.55 and the director of the
12 department of education shall attach the area to ~~a-contiguous~~
13 an adjacent school district. If the board of a district to
14 which area of the affected school district will be attached
15 objects to the division of assets and liabilities contained in
16 the dissolution proposal, section 275.30 applies for the
17 division of assets and liabilities to that district.

18 Sec. 10. Section 275.55, unnumbered paragraph 1, Code
19 1991, is amended to read as follows:

20 The board of the school district shall call a special
21 election to be held not later than forty days following the
22 date of the final hearing on the dissolution proposal. The
23 special election may be held at the same time as the regular
24 school election. The proposition submitted to the voters
25 residing in the school district at the special election shall
26 describe each separate area to be attached to ~~a-contiguous~~ an
27 adjacent school district and shall name the school district to
28 which it will be attached.

29 EXPLANATION

30 This bill provides that the terms adjacent district or
31 adjacent territory include, for purposes of determining
32 whether it is permissible to reorganize with another district
33 or territory, those districts or territories which would have
34 shared a common boundary, or part of a common boundary, but
35 for the presence of intervening property which is not part of

1 a third, or different, state school district. Conforming
2 amendments are made to accommodate the definition in this
3 chapter.

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