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SENATE FILE 2192

BY HORN

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

A BILL FOR

1 An Act relating to school district reorganization, providing for
 2 the setting of district boundaries, providing for subdistrict
 3 advisory boards, prescribing the governance of school
 4 districts, providing effective dates, and providing for
 5 repeals.

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

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SF 2192

1 Section 1. NEW SECTION. 274A.1 SCHOOL DISTRICTS --
2 NUMBER -- SIZE -- COMPOSITION.

3 1. It is the policy of the state to encourage economical
4 and efficient school districts which will ensure an equal
5 educational opportunity to all children of the state. It is
6 also the policy of the state that all areas of the state are
7 to be served by school districts maintaining kindergarten and
8 twelve grades. In addition, the general assembly finds that
9 the use of alternative political subdivisions of the state for
10 purposes of determining the delivery of educational services
11 to the students in the state will produce efficiencies that
12 current school districts are unable to realize, because the
13 current district boundaries are not coextensive with the
14 jurisdictional boundaries of other political subdivisions of
15 the state.

16 2. Effective July 1, 1995, there are established not more
17 than one hundred six school districts. Unless otherwise
18 provided in this chapter, the boundaries of each school
19 district shall be coterminous with the county in which the
20 district's schools are located. The seven school districts
21 which, for the budget year beginning July 1, 1992, had the
22 largest basic enrollments, as defined in section 257.6, shall
23 be permitted to constitute separate school districts and are
24 not part of the school districts which are coterminous with
25 the counties.

26 3. Each school district shall be divided into one or more
27 high school districts, which maintain kindergarten and twelve
28 grades of instruction within that high school district. A
29 school district in existence on July 1, 1992, which has only
30 one high school within the school district boundaries
31 established under this chapter shall form one high school
32 district, except that the former school district's boundaries
33 shall be modified as necessary to coincide with the new
34 district boundaries. A school district in existence on July
35 1, 1992, which has more than one high school within the

1 district established under this chapter may establish separate
2 high school districts for each high school and the component
3 elementary schools in the manner provided in this chapter. A
4 district in existence on July 1, 1992, which does not have a
5 high school within the district boundaries established under
6 this chapter, shall join with a contiguous school district or
7 portion of a contiguous district to form a school district
8 containing one or more high school districts in the manner
9 provided in this chapter.

10 Sec. 2. NEW SECTION. 274A.2 ESTABLISHMENT OF BOUNDARY
11 LINES OF HIGH SCHOOL DISTRICTS.

12 1. The board of directors of each school district in
13 existence on July 1, 1992, shall hold a public hearing not
14 later than January 1, 1993, for purposes of soliciting views
15 of residents of the school district and contiguous school
16 districts regarding proposed boundaries of the new high school
17 districts. The board shall give notice pursuant to section
18 618.3 of the location, date, and time of the hearing at least
19 fifteen days before the scheduled date of the hearing in a
20 newspaper of general circulation in the school district. The
21 cost of the notice shall be paid by the school district. The
22 board shall also consult with the boards of directors of
23 contiguous school districts regarding the proposed locations
24 of high school district boundary lines.

25 2. The board of directors of the school district shall
26 compile the information received and develop a plan describing
27 the boundaries and territory that are to comprise the proposed
28 high school districts which are contained wholly or partially
29 within existing school district boundaries. In developing the
30 plan, the board shall consider the following factors:

31 a. The shortest and safest distance for students to be
32 transported to available school facilities.

33 b. The physical condition of available existing
34 facilities.

35 c. The educational program needs of the students of the

1 district.

2 Sec. 3. NEW SECTION. 274A.3 AREA EDUCATION AGENCY
3 ACTION.

4 1. No later than March 1, 1993, the board of directors of
5 each school district shall file a certified copy of the plan
6 for the proposed boundaries and territory of the high school
7 district or districts located wholly or partially within the
8 existing school district with the administrator of the area
9 education agency in which the greatest number of qualified
10 electors of the school district reside. The plan shall
11 contain the name of the proposed high school district, the
12 proposed number of directors to the high school district
13 advisory board, and the proposed boundaries of any
14 geographical director or multidirector subdistricts. The plan
15 may also include a provision that the voter-approved physical
16 plant and equipment levy provided in section 298.2 will be
17 voted upon at the election conducted under section 274A.9.
18 The plan shall be signed by qualified electors in each
19 existing school district or portion thereof affected equal in
20 number to at least twenty percent of the number of qualified
21 electors in the district or portion thereof or four hundred
22 qualified electors, whichever is the smaller number.

23 2. The advisory board directors of a proposed high school
24 district shall be elected by one of the following optional
25 plans:

26 a. Election at large from the entire high school district
27 by the electors of the entire high school district.

28 b. Division of the high school district into designated
29 geographical single director or multidirector subdistricts on
30 the basis of population. The subdistricts shall be as nearly
31 equal as practicable to the ideal population for the
32 subdistricts as determined by dividing the number of
33 subdistricts to be established into the population of the high
34 school district. A high school district shall, however, be
35 divided into no fewer than three subdistricts. Each of the

1 geographical subdistricts shall be represented on the high
2 school district advisory board by one or more directors who
3 shall be residents of the geographical subdistricts but who
4 shall be elected by the vote of the electors of the entire
5 high school district. The boundaries, area, and population
6 included within each geographical subdistrict shall be such as
7 justice, equity, and the interests of the people of the high
8 school district and the school district established under this
9 chapter may require. Insofar as may be practicable, the
10 boundaries of the geographical subdistricts shall follow
11 established political or natural geographical divisions.
12 Places of voting in each of the subdistricts shall be
13 designated by the commissioner of elections. The boundaries
14 of the director subdistricts shall not be changed during a
15 period commencing sixty days prior to and ending with the date
16 of the annual school election.

17 c. Election of not more than one-half of the total number
18 of directors at large from the entire high school district and
19 the remaining directors from and as residents of designated
20 single director or multidirector subdistricts. The
21 subdistricts shall be as nearly equal as practicable to the
22 ideal subdistrict population as determined by dividing the
23 numbers of subdistricts to be established into the population
24 of the high school district. The boundaries, area, and
25 population of these subdistricts shall be such as justice,
26 equity, and the interests of the people of the high school
27 district and the school district established under this
28 chapter may require and, insofar as may be practicable, shall
29 follow established political or natural geographical
30 divisions. Places of voting in each of the subdistricts shall
31 be designated by the commissioner of elections. The
32 boundaries of the subdistricts shall not be changed during a
33 period commencing sixty days prior to and ending with the date
34 of the annual school election.

35 d. Division of the high school district into designated

1 geographical single director or multidirector subdistricts on
2 the basis of population. The subdistricts shall be as nearly
3 equal as practicable to the ideal population for the
4 subdistricts as determined by dividing the number of
5 subdistricts to be established into the population of the high
6 school district. A high school district shall, however, be
7 divided into no fewer than three subdistricts. Each of the
8 geographical subdistricts shall be represented on the high
9 school district advisory board by one or more directors who
10 shall be residents of the geographical subdistricts and who
11 shall be elected by the vote of the electors of the respective
12 subdistricts. The boundaries, area, and population included
13 within each geographical subdistrict shall be such as justice,
14 equity, and the interests of the people of the high school
15 district and the school district established under this
16 chapter may require. Insofar as may be practicable, the
17 boundaries of the geographical subdistricts shall follow
18 established political or natural geographical divisions.
19 Places of voting in each of the subdistricts shall be
20 designated by the commissioner of elections. The boundaries
21 of the director subdistricts shall not be changed during a
22 period commencing sixty days prior to and ending with the date
23 of the annual school election.

24 3. The area education agency board in reviewing the plan
25 shall review the proposed subdivision of the high school
26 district, in light of total district population and the
27 proportion of the total district population residing within
28 the high school district, and may change or amend the plan in
29 any manner including, but not limited to, the changing of the
30 boundaries of the high school district and its respective
31 subdistricts as may be required by law, justice, equity, and
32 the interests of the people residing within the high school
33 district. In the action, the area education agency board
34 shall follow the procedure required by sections 274A.5 and
35 274A.6 for other action on the plan by the area education

1 agency board.

2 4. The plan shall be accompanied by an affidavit showing
3 the number of qualified electors living in each affected
4 school district or portion of a district described in the
5 plan. The affidavit shall be signed by a qualified elector
6 residing in the territory, and, if parts of the territory
7 described in the plan are situated in different area education
8 agencies, the affidavit shall show separately as to each
9 agency, the number of qualified electors residing within the
10 agency's boundaries included in the territory described. The
11 affidavit shall be taken as true unless objections to it are
12 filed on or before the time fixed for filing objections as
13 provided in section 274A.4.

14 Sec. 4. NEW SECTION. 274A.4 OBJECTIONS -- TIME OF FILING
15 -- NOTICE.

16 Within ten days after the plan is filed, the area education
17 agency administrator shall fix a final date for filing
18 objections to the petition which shall be not more than six
19 months after the plan is filed and shall fix the date for a
20 hearing on the objections to the plan. Objections shall be
21 filed in the office of the administrator who shall give notice
22 at least ten days prior to the final day for filing
23 objections, by one publication in a newspaper published within
24 the territory described in the plan, or if none is published
25 in the territory, in a newspaper published in the county in
26 which the plan is filed, and of general circulation in the
27 territory described. The notice shall also list the date,
28 time, and location for the hearing on the plan as provided in
29 section 274A.5. The cost of publication shall be assessed to
30 each school district whose territory is involved in accordance
31 with the ratio that the number of pupils in basic enrollment
32 for the budget year, as defined in section 257.6, in each
33 district bears to the total number of pupils in basic
34 enrollment for the budget year in the total area involved.
35 Objections shall be in writing in the form of an affidavit and

1 may be made by any person residing or owning land within the
2 territory described in the plan, or who would be injuriously
3 affected by the change planned for and shall be on file not
4 later than twelve o'clock noon of the final day fixed for
5 filing objections.

6 Objection forms shall be prescribed by the department of
7 education and may be obtained from the area education agency
8 administrator. Objection forms that request that property be
9 removed from a proposed district shall include the correct
10 legal description of the property to be removed.

11 Sec. 5. NEW SECTION. 274A.5 HEARING -- DECISION --
12 PUBLICATION -- APPEAL.

13 At the hearing, which shall be held within thirty days of
14 the final day fixed for filing objections, interested parties,
15 both subscribers and objectors to the plan, may present
16 evidence and arguments, and the area education agency board
17 shall review the matter on its merits. Within ten days after
18 the conclusion of the hearing, the area education agency board
19 shall rule on the objections and shall enter an order fixing
20 the boundaries within the proposed school corporation,
21 including high school district and subdistrict boundaries, as
22 will in its judgment be in the best interests of all parties
23 concerned, having due regard for the welfare of adjoining
24 districts, or dismiss the proposed plan.

25 The area education agency board, when entering the order
26 fixing the boundaries, shall consider all objections timely
27 filed for boundary line changes. Each objection filed by a
28 property owner shall be considered separately and an
29 individual ruling made.

30 If the plan is not dismissed and the board determines that
31 additional information is required in order to fix boundary
32 lines within the proposed school corporation or the respective
33 high school districts or subdistrict boundaries, the board may
34 continue the hearing for no more than thirty days. The date
35 of the continued hearing shall be announced at the original

1 hearing. Additional objections in the form required in
2 section 274A.4 may be considered if filed with the
3 administrator within five days, not including Saturdays,
4 Sundays, or holidays, after the date of the original hearing.
5 If the hearing is continued, the area education agency
6 administrator may conduct one or more meetings with the boards
7 of directors of the affected districts. The area education
8 agency administrator shall give notice of any such meeting at
9 least forty-eight hours in advance in the manner provided in
10 section 21.4. The area education agency board may request
11 that the administrator make alternative recommendations
12 regarding the boundary lines within the proposed school
13 corporation or the respective high school district or
14 subdistrict boundaries. The area education agency board shall
15 make a decision on the boundary lines and enter an order
16 fixing the boundaries within ten days following the conclusion
17 of the continued hearing.

18 The administrator shall at once publish the order in the
19 same newspaper in which the original notice was published.
20 Within twenty days after the publication, any school district
21 affected may appeal the order entered by the area education
22 agency board to the district court in the county involved. An
23 appeal from an order of an area education agency board or
24 joint area education agency boards under this chapter is
25 subject to appeal procedures under this chapter and is not
26 subject to appeal under chapter 290.

27 Sec. 6. NEW SECTION. 274A.6 HEARING WHEN TERRITORY IN
28 DIFFERENT AREA EDUCATION AGENCIES.

29 If the territory described in the plan for the proposed
30 school corporation lies within the boundaries of more than one
31 area education agency, the agency administrator with whom the
32 plan is filed shall fix the time and place for a hearing and
33 call a joint meeting of the members of all the agency boards
34 in which territory of the proposed school corporation lies, to
35 act as a single board for the hearing of the objections, and a

1 majority of members of each of the agency boards of the
2 different agencies in which any part of the proposed
3 corporation lies, constitutes a quorum. The president of the
4 board of directors of the area education agency in which the
5 plan has been filed, or a member of the board designated by
6 the president, shall preside at the joint meeting. The joint
7 boards acting as a single board shall determine whether the
8 proposed plan conforms to current area education agency plans
9 or, if the proposed plan requests a change in area education
10 agency plans, whether a change should be made, and may change
11 the current plans of any or all the area education agency
12 boards affected by the plan for the proposed school
13 corporation. The joint board shall determine and fix
14 boundaries within the proposed school corporation and high
15 school districts as provided in section 274A.5 or dismiss the
16 plan. The joint board may continue the hearing as provided in
17 section 274A.5.

18 Votes of each member of an area education agency board in
19 attendance shall be weighted so that the total number of votes
20 eligible to be cast by members of each board in attendance
21 shall be equal. However, if the joint boards cast a tie vote
22 and are unable to agree to an order fixing the boundaries
23 within the proposed school corporation and high school
24 districts or to a decision to dismiss the plan, the time
25 during which actions must be taken under section 274A.5 shall
26 be extended from ten days to fifteen days after the conclusion
27 of the hearing under this section, and the joint board shall
28 reconvene not less than ten and not more than fifteen days
29 after the conclusion of the hearing. At the reconvened
30 hearing the joint board shall reconsider its action and if a
31 tie vote is again cast the tie vote is deemed a decision
32 approving the proposed plan for the school corporation and
33 changing the plans of any and all of the agency boards
34 affected by the proposed plan for the school corporation and
35 fixing the boundaries within the proposed school corporation

1 and high school districts. The agency administrator shall at
2 once publish the decision as an order of the agency boards in
3 the same newspaper in which the original notice was published.

4 If a controversy arises from such a joint meeting, the area
5 education agency board or boards or any school district
6 aggrieved may bring the controversy to the department of
7 education, as provided in section 275.8, and within twenty
8 days from the publication of the order, the department of
9 education shall send a written notice to all agency boards and
10 school districts affected or portions thereof within ten days
11 of the publication of the order. The department may affirm
12 the action of the joint boards, vacate the joint boards'
13 order, dismiss all proceedings, or make such modification of
14 the action of the joint boards as in the department's judgment
15 would serve the best interest of all the agencies. Judicial
16 review of the actions of the department may be sought in
17 accordance with chapter 17A. Notwithstanding the terms of the
18 Iowa administrative procedure Act, chapter 17A, petitions for
19 judicial review must be filed within thirty days after
20 issuance of the decision of the department of education.

21 Sec. 7. NEW SECTION. 274A.7 FILING OF IDENTICAL PLAN
22 PROHIBITED.

23 If an area education agency board does not approve the
24 boundaries within the school districts or high school
25 districts in accordance with a proposed plan, a proposal
26 describing the identical boundaries shall not be filed.

27 Sec. 8. NEW SECTION. 274A.8 SPECIAL ELECTION CALLED --
28 TIME.

29 When the boundaries of the territory to be included in a
30 proposed school corporation and the number and boundaries of
31 the high school districts to be contained within the proposed
32 school corporation have been determined as provided in this
33 chapter, the area education agency administrator with whom the
34 plan is filed shall give written notice of a proposed date of
35 an election to the county commissioner of elections of the

1 county, the boundaries of which will coincide with those of
2 the proposed school corporation. The proposed date shall be
3 as soon as possible pursuant to sections 39.2, subsections 1
4 and 2, and 47.6, subsections 1 and 2, but not later than
5 November 30 of the calendar year prior to the calendar year in
6 which the reorganization will take effect.

7 The county commissioner of elections shall give notice of
8 the election by one publication in the same newspaper in which
9 previous notices have been published regarding the proposed
10 school boundaries, and in addition, if a different county is
11 involved, by one publication in a legal newspaper in the
12 county not covered by the first publication. The publication
13 shall be made not less than four nor more than twenty days
14 prior to the election. If the decision published pursuant to
15 section 274A.5 or 274A.6 includes a description of the
16 proposed school corporation and a description of the high
17 school districts, if any, the notice for election and the
18 ballot do not need to include these descriptions. Notice for
19 an election shall not be published until the expiration of
20 time for appeal, which shall be the same as that provided in
21 section 274A.5 or 274A.6, whichever is applicable; and if
22 there is an appeal, not until the appeal has been disposed of.

23 Sec. 9. NEW SECTION. 274A.9 SEPARATE VOTE IN EXISTING
24 DISTRICTS.

25 The voters shall vote separately in each existing school
26 district or portion thereof affected by the creation of the
27 proposed school districts. Voters residing in the entire
28 proposed school district are eligible to vote upon the
29 proposed new high school district boundaries and the
30 proposition to levy the voter-approved physical plant and
31 equipment levy under section 298.2, if the plan for the
32 proposed school district included a provision for a vote to
33 authorize the levy. If a proposition receives a majority of
34 the votes cast by voters residing within the proposed school
35 district, the proposition is carried.

1 Sec. 10. NEW SECTION. 274A.10 CANVASS AND RETURN.

2 The precinct election officials shall count the ballots,
3 and make return to and deposit the ballots with the county
4 commissioner of elections, who shall enter the return of
5 record in the commissioner's office. The county commissioner
6 of elections shall certify the results of the election to the
7 area education agency administrator. If the majority of the
8 votes cast by the qualified electors is in favor of the
9 proposition, as provided in section 274A.9, the new school
10 corporation and the corresponding high school districts shall
11 be organized. If the majority of votes cast is opposed to the
12 proposition, a new plan describing the identical high school
13 district boundaries shall not be filed. The area education
14 agency administrator shall file a written description of the
15 boundaries as provided in section 274A.22 and forward a copy
16 of the description and the proposed subdivisions of the high
17 school districts into director subunits to the department of
18 education.

19 Sec. 11. NEW SECTION. 274A.11 ELECTION OF DIRECTORS.

20 1. If the proposition to establish the boundaries of high
21 school districts within the new school district is approved
22 under the method provided in this chapter and the proposed
23 number of director subdistricts and advisory board directors
24 within each of the high school districts meets the guidelines
25 established for the maximum number of directors for high
26 school district advisory boards, the area education agency
27 administrator with whom the proposed plan was filed shall give
28 written notice of a proposed date, which shall be no later
29 than the 1994 regular school election date, for a special
30 election for high school district advisory board directors for
31 the newly formed high school districts to the commissioner of
32 elections of the county in which the high school districts are
33 located. The election shall be conducted as provided in
34 section 277.3, nomination petitions shall be filed pursuant to
35 section 277.4, except as otherwise provided by this

1 subsection. Nomination petitions shall be filed with the
2 secretary of the board of the existing school district in
3 which the candidate resides, signed by not less than ten
4 eligible electors of the newly formed high school district,
5 and filed not less than thirty days prior to the date set for
6 the special school election.

7 The county board of supervisors shall canvass the votes and
8 the county commissioner of elections shall report the results
9 to the area education agency administrator who shall notify
10 the persons who are elected advisory board directors.

11 2. The advisory board directors who are elected and
12 qualify to serve shall serve until their successors are
13 elected and qualify. The directors' terms shall be staggered
14 as provided in this subsection. At the special election the
15 newly elected director receiving the most votes shall be
16 elected to serve the longest term. The remaining members are
17 to be paired in accordance to numbers of votes received, and
18 are to serve terms which shall be staggered in one-year
19 intervals beginning with the regular school election which
20 occurs one year from the election provided under this section
21 and ending with the election which occurs one year prior to
22 the election marking the end of the term of the director
23 receiving the most votes. If a high school district only has
24 three directors, however, the two remaining members shall not
25 be paired in accordance with votes received, but shall serve
26 staggered one-year and two-year terms based on who received
27 the greater number of votes.

28 3. The newly formed high school district advisory board
29 shall organize within fifteen days after the special election
30 upon the call of the area education agency administrator. The
31 board shall select by lot from its membership the individual
32 or individuals, and their alternates, who shall serve on the
33 school district board. Upon formation of the advisory boards
34 and selection of school district board members, each of the
35 advisory boards shall notify the area education agency

1 administrator of their formation and the area education agency
2 administrator shall, within fifteen days of receiving notice
3 of formation of all high school advisory boards, call for the
4 formation of the school district board.

5 4. The new school board shall have control of the
6 employment of personnel for the newly formed school district
7 for the next following school year. Following the first
8 organizational meeting of the board of the newly formed school
9 district, the school board may establish policy, enter into
10 contracts, complete planning, and take actions as necessary
11 for the efficient management of the newly formed school
12 district.

13 5. The school board of the newly formed school district
14 shall appoint an acting superintendent and an acting board
15 secretary. The appointment of the acting superintendent shall
16 not be subject to the continuing contract provisions of
17 sections 279.20, 279.23, and 279.24.

18 Sec. 12. NEW SECTION. 274A.12 SCHOOL DISTRICTS -- PART
19 OF AREA EDUCATION AGENCY.

20 School districts created under this chapter are assigned to
21 the area education agency in which the greatest number of
22 qualified electors of the district reside at the time of the
23 special election called for in section 274A.8, and sections of
24 the Code applicable to the common schools generally are
25 applicable to these districts in addition to the powers and
26 privileges conferred by this chapter. If a school district,
27 created under this chapter and assigned to an area education
28 agency under this section, can demonstrate that students in
29 the district were utilizing a service or program prior to the
30 formation of the new school district that is unavailable from
31 the area education agency to which the new school district is
32 assigned, the school district may be reassigned to the area
33 education agency which formerly provided the service or
34 program, upon an affirmative majority vote of the boards of
35 the affected area education agencies to permit the change.

1 Sec. 13. NEW SECTION. 274A.13 PAYMENT OF EXPENSES.

2 When the new school district is established it shall pay
3 all expenses incurred by the area education agency
4 administrator and the area education agency board in
5 connection with the establishment proceedings. The county
6 commissioner of elections shall assess the costs of the
7 election against the new school district as provided in
8 section 47.3. If a proposition to establish high school
9 district boundaries is dismissed or defeated at the election
10 all expenses shall be apportioned among the several school
11 districts in proportion to the assessed valuation of property
12 therein.

13 If the proposed school district embraces territory in more
14 than one area education agency the expenses shall be certified
15 to and, if necessary, apportioned among the several school
16 districts by the joint agency board. If in only one agency
17 the certification shall be made by the agency administrator.

18 Each respective school board to which the expenses are
19 certified shall audit and order the expenses paid from the
20 school district's general fund. If a school board fails to
21 audit and pay the expenses certified to it, the area education
22 agency administrator shall certify the expenses to the county
23 auditor in the same manner as is provided for tuition claims
24 in section 282.21 and the funds shall be transferred by the
25 county treasurer from the debtor school district to the agency
26 board for payment of the expenses.

27 Sec. 14. NEW SECTION. 274A.14 PLAN OF DIVISION OF ASSETS
28 AND LIABILITIES.

29 A plan in addition to setting up the territory to comprise
30 the school district and new high school districts may provide
31 for a division of assets and liabilities of the old school
32 districts. If no provision is made in the plan for division
33 of assets and liabilities, the division shall be made under
34 the provisions of sections 274A.15 through 274A.17.

35 Sec. 15. NEW SECTION. 274A.15 DIVISION OF ASSETS AND

1 LIABILITIES.

2 Between October 1, 1994, and November 1, 1994, the board of
3 directors of the newly formed school district shall meet with
4 the boards of all the old districts, or parts of districts,
5 affected by the organization of the new school corporation for
6 the purpose of reaching joint agreement on an equitable
7 division of the assets of the several school corporations or
8 parts of school corporations and an equitable distribution of
9 the liabilities of the affected corporations or parts of
10 corporations. In addition, if outstanding bonds are in
11 existence in any district, the boards shall meet together
12 prior to March 15 prior to the school year the new
13 organization is effective to determine the distribution of the
14 bonded indebtedness between the districts so that the newly
15 formed district may certify its budget under the procedures
16 specified in chapter 24. The boards shall consider the
17 mandatory levy required in section 76.2 and shall assure the
18 satisfaction of outstanding obligations of each affected
19 school corporation.

20 Sec. 16. NEW SECTION. 274A.16 ARBITRATION.

21 If the boards cannot agree on a division and distribution,
22 the matters on which the boards differ shall be decided by
23 disinterested arbitrators, one selected by each board having
24 an interest therein, and if the number thus selected is even,
25 then one shall be added by the area education agency
26 administrator. The decision of the arbitrators shall be made
27 in writing and filed with the secretary of the new school
28 corporation, and any party to the proceedings may appeal from
29 the decision to the district court by serving notice of appeal
30 on the secretary within twenty days after the decision is
31 filed. The appeal shall be tried in equity and a decree
32 entered determining the entire matter, including the levy,
33 collection, and distribution of any necessary taxes.

34 Sec. 17. NEW SECTION. 274A.17 TAXES TO EFFECT
35 EQUALIZATION.

1 If necessary to equalize the division and distribution, the
2 board or boards may provide for the levy of additional taxes,
3 which shall be sufficient to satisfy the mandatory levy
4 required in section 76.2 or other liabilities of the
5 districts, upon the property within a school corporation or
6 part of a school corporation and for the distribution of the
7 tax revenues so as to effect equalization. When the board or
8 boards are considering the equalization levy, the division and
9 distribution shall not impair the security for outstanding
10 obligations of each affected corporation. Any owner of bonds
11 of an affected school corporation may bring suit in equity for
12 adjustment of the division and distribution in compliance with
13 this section. The county auditor shall spread the applicable
14 property tax levy for each portion of a school district over
15 all taxable property in that portion of the district.

16 Sec. 18. NEW SECTION. 274A.18 SCHOOL BUILDINGS -- TAX
17 LEVY.

18 The board of any school corporation may establish
19 attendance centers, shall provide suitable buildings for each
20 school in each high school district, and may at the regular or
21 a special meeting call a special election to submit to the
22 qualified electors of the district the question of voting a
23 tax or authorizing the board to issue bonds, or both, for any
24 or all of the following purposes:

25 1. To secure sites, build, purchase, or equip school
26 buildings.

27 2. To repair or improve any school building or grounds
28 when the cost will exceed five thousand dollars.

29 All moneys received for such purposes shall be placed in
30 the schoolhouse fund of the school corporation and shall be
31 used only for the purpose for which voted.

32 Sec. 19. NEW SECTION. 274A.19 CONTRACTS OF NEW DISTRICT.

33 1. The terms of employment of superintendents, principals,
34 and teachers, for the school year following the effective date
35 of the formation of the new district shall not be affected by

1 the formation of the new district, except in accordance with
2 the provisions of sections 279.15 through 279.18 and 279.24
3 and the authority and responsibility to offer new contracts or
4 to continue, modify, or terminate existing contracts pursuant
5 to sections 279.12, 279.13, 279.15 through 279.21, 279.23, and
6 279.24 for the school year beginning with the effective date
7 of the new organization shall be transferred from the boards
8 of the existing districts to the board of the new district on
9 the third Tuesday of January prior to the school year the new
10 organization is effective.

11 2. The collective bargaining agreement of the district
12 with the largest basic enrollment for the year prior to the
13 new organization, as defined in section 257.6, in the new
14 district shall serve as the base agreement and the employees
15 of the other districts involved in the formation of the new
16 district shall automatically be accreted to the bargaining
17 unit of that collective bargaining agreement for purposes of
18 negotiating the contracts for the following years without
19 further action by the public employment relations board. If
20 only one collective bargaining agreement is in effect among
21 the districts which are party to the new organization, then
22 that agreement shall serve as the base agreement, and the
23 employees of the other districts involved in the formation of
24 the new district shall automatically be accreted to the
25 bargaining unit of that collective bargaining agreement for
26 purposes of negotiating the contracts for the following years
27 without further action by the public employment relations
28 board. The board of the newly formed district, using the base
29 agreement as its existing contract, shall bargain with the
30 combined employees of the existing districts for the school
31 year beginning with the effective date of the new
32 organization. The bargaining shall be completed by March 15
33 prior to the school year in which the new organization becomes
34 effective. If a bargaining agreement was already concluded by
35 the board and employees of the existing district with the

1 contract serving as the base agreement for the school year
2 beginning with the effective date of the new organization,
3 that agreement shall be void. However, if the base agreement
4 contains multiyear provisions affecting school years
5 subsequent to the effective date of the new organization, the
6 base agreement shall remain in effect as specified in the
7 agreement.

8 The provisions of the base agreement shall apply to the
9 offering of new contracts, or continuation, modification, or
10 termination of existing contracts as provided in subsection 1.

11 Sec. 20. NEW SECTION. 274A.20 SCHOOL DISTRICT
12 GOVERNANCE.

13 1. A school district created under this chapter is a body
14 politic as a school corporation, can sue and be sued, hold
15 property, exercise all the powers granted by law, and have
16 exclusive jurisdiction in all school matters over the
17 territory contained in the school district, not otherwise
18 assigned to the high school district advisory board.

19 2. A school district shall be governed by a board of
20 directors, each of whom shall also serve as a director on a
21 high school district advisory board of a high school district
22 located within the school district boundaries. A member of
23 the board shall, at the time of election or appointment, be an
24 eligible elector of both the high school and the school
25 districts which the member represents. A school district
26 board shall organize in the manner specified for school
27 corporations under chapter 279 and possess the powers granted
28 to school corporations under the Code.

29 3. A high school district advisory board shall be
30 responsible for oversight of the daily management of the
31 schools located within the high school district and for
32 advising the board of directors of the school district of the
33 needs and issues which affect the daily school operations.
34 Each high school district advisory board shall select from its
35 membership one or more of the advisory board directors to

1 represent the interests of the high school district on the
2 district board. The number of school district board directors
3 that each high school advisory board shall select shall be a
4 number which approximates that proportion of the total
5 district population that is represented by the high school
6 district's population times the total number of school
7 district board directors.

8 Sec. 21. NEW SECTION. 274A.21 GENERAL APPLICABILITY.

9 The provisions of law relative to common schools shall
10 apply alike to all districts, except when otherwise clearly
11 stated, and the powers given to one form of corporation, or to
12 a board in one kind of corporation, shall be exercised by the
13 other in the same manner, as nearly as practicable. But
14 school boards shall not incur original indebtedness by the
15 issuance of bonds until authorized by the voters of the school
16 corporation.

17 Sec. 22. NEW SECTION. 274A.22 RECORD OF NEW ORGANIZATION
18 FILED.

19 When an election on the proposition of organizing,
20 reorganizing, enlarging, or changing the boundaries of any
21 school corporation or high school district, or on the
22 proposition of dissolving a school or high school district, is
23 approved by the required statutory margin, or the boundary
24 lines of contiguous school corporations or high school
25 districts are changed by the concurrent action of the
26 respective boards, the secretary of the school corporation
27 shall file a written description of the new boundaries of the
28 school corporation in the office of the county auditor of each
29 county in which any portion of the school corporation or high
30 school district lies.

31 Sec. 23. NEW SECTION. 274A.23 ACTION TO TEST NEW
32 ORGANIZATION.

33 An action shall not be brought questioning the legality of
34 the organization, enlargement, or change in the boundaries of
35 any school corporation or high school district in this state

1 unless brought within six months after the date of the filing
2 of the written description in the office of the county auditor
3 or county auditors. When the period of limitations has
4 passed, it shall be conclusively presumed that all acts and
5 proceedings taken with reference to the organization,
6 enlargement, or change in boundaries were legally taken for
7 every purpose whatsoever and that a de jure school corporation
8 or high school district exists.

9 Sec. 24. NEW SECTION. 274A.24 NAMES.

10 School corporations shall be designated as follows: The
11 school district in the county of (naming county), state of
12 Iowa. High school districts shall be designated as follows:
13 The high school district (naming city, township, or village),
14 in the district which is located in the county of (naming
15 county), state of Iowa.

16 Sec. 25. NEW SECTION. 274A.25 DIRECTORS.

17 The affairs of each school corporation shall be conducted
18 by a board of directors, the members of which shall also be
19 directors of high school district advisory boards and shall
20 serve a term of three years. The term of directors who are
21 not also members of the board of the school corporation shall
22 also be three years.

23 Sec. 26. NEW SECTION. 274A.26 ATTACHING TERRITORY TO
24 ADJOINING CORPORATION.

25 In any case where, by reason of natural obstacles, any
26 portion of the inhabitants of any school corporation in the
27 opinion of the area education agency administrator cannot with
28 reasonable facility attend school in their own corporation,
29 the area education agency administrator shall, by a written
30 order, in duplicate, attach the part thus affected to an
31 adjoining school corporation, with the consent of the board of
32 that corporation, one copy of which order shall be at once
33 transmitted to the secretary of each corporation affected, who
34 shall record the same and make the proper designation on the
35 plat of the corporation. Township or county lines shall not

1 be a bar to the operation of this section.

2 When the natural obstacles, which have caused territory to
3 be set off by the area education agency administrator from one
4 school district and attached to another in the same or an
5 adjoining county, as provided in section 274A.26, have been
6 removed, the territory may, upon the concurrence of the
7 respective boards, be restored to the school district from
8 which it was set off and shall be restored by the boards upon
9 the written application of two-thirds of the electors residing
10 in the territory set off together with the concurrence of the
11 area education agency administrator and the board of the
12 school district from which such territory was originally set
13 off by the administrator.

14 Sec. 27. NEW SECTION. 274A.27 SALE OF LAND TO
15 GOVERNMENT.

16 If the federal government, or any agency or department of
17 the federal government has located or locates in any county an
18 ordnance plant or other project which may be deemed desirable
19 for the development of the national defense or for the purpose
20 of flood control, and while locating the plant or project
21 determines that real property and improvements located on the
22 property owned by school districts is needed for the plant or
23 project, the board of directors of the school districts may by
24 resolution sell and convey the property at a price and upon
25 terms as may be agreed upon. Any instrument of conveyance
26 shall be executed on behalf of a school district by the
27 president of the district.

28 Sec. 28. NEW SECTION. 274A.28 VESTING OF POWERS TO
29 CONVEY.

30 If a majority of the directors of a school district
31 affected as in section 274A.27 have moved from such district
32 and have ceased to be residents of the district thereby
33 creating vacancies on the school board and reducing it to less
34 than a quorum, the powers vested under section 274A.27 in the
35 board of directors shall vest in the area education agency

1 board and the instrument of conveyance shall be executed on
2 behalf of the school district by the president of the area
3 education agency board until an election is called pursuant to
4 chapter 277.

5 Sec. 29. NEW SECTION. 274A.29 APPLICATION OF PROCEEDS OF
6 SALE.

7 The proceeds of the sale of the property of a school
8 district under the authority granted in sections 274A.27 and
9 274A.28 shall be deposited with the treasurer of the county
10 and applied so far as necessary to the payment of the
11 outstanding indebtedness of the school district.

12 Sec. 30. NEW SECTION. 274A.30 ADJUSTING OF DISTRICT
13 BOUNDARIES.

14 If the federal government, or any agency or department of
15 the federal government locates a project which is desirable
16 for the development of the national defense or for the purpose
17 of flood control, and for the purpose of locating the project
18 determines that certain real property making up a portion of a
19 school district is required, the director of the department of
20 education may by resolution adjust the boundaries of school
21 districts in which the federally owned property is located and
22 the boundaries of adjoining school districts so as to
23 effectively provide for the schooling of children residing
24 within all of the districts. A copy of the resolution shall
25 be promptly filed with the board of directors of the adjoining
26 school district or districts and with the board of directors
27 of the school district in which the federally owned property
28 is located unless the board has been reduced below a quorum in
29 the manner contemplated in section 274A.28, in which event the
30 resolution shall be posted in two public places within the
31 altered district.

32 Sec. 31. NEW SECTION. 274A.31 RELINQUISHING FUNDS.

33 The officers of the altered district shall relinquish to
34 the proper officers of such adjoining district or districts
35 all funds, claims for taxes, credits, and such other personal

1 property in such a manner as the director of the department of
2 education shall direct, which said funds, credits, and
3 personal property shall become the property of such adjoining
4 district or districts as enlarged, to be used as the boards of
5 directors of such districts may direct.

6 Sec. 32. NEW SECTION. 274A.32 DETERMINATION FINAL.

7 The determination of the director of the department of
8 education in such matters shall be final.

9 Sec. 33. NEW SECTION. 274A.33 EXPENSE AUDITED AND PAID.

10 The expenses of the director of the department of education
11 in respect to the carrying out of the provisions of sections
12 274A.30 to 274A.33, shall be paid from funds appropriated to
13 the department of education.

14 Sec. 34. Section 256.7, Code Supplement 1991, is amended
15 by adding the following new subsection:

16 NEW SUBSECTION. 22. Adopt rules which set guidelines or
17 limits on the minimum area and populations of high school
18 districts and the maximum number of high school district
19 advisory board and district school board members.

20 Sec. 35. Section 256.9, Code Supplement 1991, is amended
21 by adding the following new subsection:

22 NEW SUBSECTION. 46. Develop recommendations for proposed
23 rules for adoption by the state board of education relating to
24 minimum area and populations of high school districts and
25 subdistricts and the maximum number of high school district
26 advisory board and district school board members.

27 Sec. 36. Section 275.1, Code 1991, is amended to read as
28 follows:

29 275.1 DECLARATION OF POLICY -- SURVEYS -- DEFINITIONS.

30 It is the policy of the state to encourage economical and
31 efficient school districts which will ensure an equal
32 educational opportunity to all children of the state. All
33 areas of the state shall be in school districts maintaining
34 kindergarten and twelve grades. If a school or high school
35 district ceases to maintain kindergarten and twelve grades

1 except as otherwise provided in section 28E.9, 256.13, 280.15,
2 282.7, subsection 1 or subsections 1 and 3, or 282.8, it shall
3 reorganize within six months or the state board shall attach
4 the school or high school district not maintaining
5 kindergarten and twelve grades to one or more adjacent school
6 or high school districts. Voluntary reorganizations under
7 this chapter shall be commenced only if the affected school or
8 high school districts are contiguous to one another. A
9 reorganized district shall meet the requirements of section
10 275.3 274A.1.

11 If a school or high school district is attached, division
12 of assets and liabilities shall be made as provided in
13 sections 275.29 to 275.31. The area education agency boards
14 shall develop detailed studies and surveys of the school
15 districts within the area education agency and all adjacent
16 territory for the purpose of providing for reorganization of
17 school districts in order to effect more economical operation
18 and the attainment of higher standards of education in the
19 schools. The plans shall be revised periodically to reflect
20 reorganizations which may have taken place in the area
21 education agency and adjacent territory.

22 As used in this chapter unless the context otherwise
23 requires:

24 1. "Eligible elector" means eligible elector as defined in
25 section 39.3, subsection 1.

26 2. "Qualified elector" means qualified elector as defined
27 in section 39.3, subsection 2.

28 3. "School districts affected" means the school districts
29 named in the reorganization petition whether a school district
30 is affected in whole or in part.

31 Sec. 37. Section 275.2, Code 1991, is amended to read as
32 follows:

33 275.2 SCOPE OF SURVEYS.

34 The scope of the studies and surveys shall include the
35 following matters in the various districts and high school

1 districts in the area education agency and all districts and
 2 high school districts adjacent to the area education agency:
 3 The adequacy of the educational program, pupil enrollment,
 4 property valuations, existing buildings and equipment, natural
 5 community areas, road conditions, transportation, economic
 6 factors, individual attention given to the needs of students,
 7 the opportunity of students to participate in a wide variety
 8 of activities related to the total development of the student,
 9 and other matters that may bear on educational programs
 10 meeting minimum standards required by law. The plans shall
 11 also include suggested alternate plans that incorporate the
 12 school districts or high school districts in the area
 13 education agency into reorganized districts that meet the
 14 enrollment standards specified in section 275.3 274A.1 or high
 15 school districts and may include alternate plans proposed by
 16 school or high school districts for sharing programs under
 17 section 256.13, 280.15, or 282.7 as an alternative to school
 18 or high school district reorganization.

19 Sec. 38. Section 275.3, Code 1991, is amended to read as
 20 follows:

21 275.3 MINIMUM SIZE.

22 No A new school or high school district shall not be
 23 ~~planned by an area education agency board nor shall any~~ and a
 24 proposal for creation or enlargement of any school or high
 25 school district shall not be approved by an area education
 26 agency board or submitted to electors unless ~~there reside~~
 27 ~~within the proposed limits of such district at least three~~
 28 ~~hundred persons of school age who were enrolled in public~~
 29 ~~schools in the preceding school year~~ the school or high school
 30 district plans meet the population and area guidelines
 31 established for minimum district or high school district
 32 sizes. Provided, however, that the The director of the
 33 department of education ~~shall have authority to~~ may grant
 34 permission to an area education agency board to approve the
 35 formation or enlargement of a school district containing a

1 lower school enrollment than required ~~in this section~~ by the
2 guidelines on the written request of such area education
3 agency board if such request is accompanied by evidence
4 tending to show that sparsity of population, natural barriers
5 or other good reason makes it impracticable to meet the school
6 enrollment requirement or area guidelines.

7 Sec. 39. Section 275.4, Code 1991, is amended to read as
8 follows:

9 275.4 STUDIES, SURVEYS, AND PLANS.

10 In developing studies and surveys the area education agency
11 board shall consult with the officials of school districts in
12 the area and other citizens, and shall from time to time hold
13 public hearings, and may employ such research and other
14 assistance as it may determine reasonably necessary in order
15 to properly carry on its survey and prepare definite plans of
16 reorganization.

17 In addition, the area education agency board shall consult
18 with the ~~commissioner-of-public-instruction~~ director of the
19 department of education in the development of surveys and
20 plans. The ~~commissioner-of-public-instruction~~ director of the
21 department of education shall provide assistance to the area
22 education agency boards as requested and shall advise the area
23 education agency boards concerning plans of contiguous area
24 education agencies and the reorganization policies adopted by
25 the state board of ~~public-instruction~~ education.

26 Completed plans shall be transmitted by the area education
27 agency board to the ~~commissioner-of-public-instruction~~
28 director of the department of education.

29 Sec. 40. Section 275.5, Code 1991, is amended to read as
30 follows:

31 275.5 PROPOSALS FOR MERGER OR CONSOLIDATION.

32 A proposal for merger, consolidation, or boundary change of
33 ~~local~~ school or high school districts shall first be submitted
34 to the area education agency board following the procedure
35 prescribed in this chapter. Following receipt of a petition

1 proposed plan pursuant to section 275.12, the area education
2 agency board shall review its plans and determine whether the
3 petition complies with the plans which had been adopted by the
4 board. If the petition proposed plan does not comply with the
5 plans which had been adopted by the board, the board shall
6 conduct further surveys pursuant to section 275.4 prior to the
7 date set for the hearing upon the petition proposed plan. If
8 further surveys have been conducted by the board, the board
9 shall present the results of the further surveys at the
10 hearing upon the petition proposed plan.

11 Sec. 41. Section 275.8, Code 1991, is amended to read as
12 follows:

13 275.8 CO-OPERATION OF STATE DEPARTMENT -- PLANNING JOINT
14 SCHOOL OR HIGH SCHOOL DISTRICTS.

15 Planning of joint school or high school districts shall be
16 conducted in the same manner as planning for single school or
17 high school districts, except as provided in this section.

18 Studies and surveys relating to the planning of joint school
19 or high school districts shall be filed with the area
20 education agency in which one of the school or high school
21 districts is located which has the greatest taxable property
22 base. In the case of controversy over the planning of joint
23 school or high school districts, the matter shall be submitted
24 to the director of the department of education. Judicial
25 review of the director's decision may be sought in accordance
26 with ~~the terms of the Iowa administrative procedure Act,~~
27 chapter 17A. Notwithstanding the terms of ~~that~~ the Iowa
28 administrative procedure Act, chapter 17A, petitions for
29 judicial review must be filed within thirty days after the
30 decision of the director. "Joint school or high school
31 districts" means school or high school districts that lie in
32 two or more adjacent area education agencies.

33 For purposes of this chapter the planning of joint school
34 or high school districts is defined to include all of the
35 following acts:

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

7 2. Adoption of the written joint plan at a joint session
8 of the several area education agency boards in whose areas the
9 territory is situated. A quorum of each of the boards is
10 necessary to transact business. Votes shall be taken in the
11 manner prescribed in section 275.16.

12 3. Filing ~~said~~ the plan with the state department of
13 public-instruction education.

14 For purposes of subsection 1 hereof, joint planning shall
15 be evidenced by filing the following items with the state
16 department of public-instruction education:

17 a. A plat of the entire area of ~~such~~ the potential school
18 or high school district.

19 b. A statement of the number of pupils residing within the
20 area of ~~said~~ the potential school or high school district
21 enrolled in public schools in the preceding school year.

22 c. A statement of the assessed valuation of taxable
23 property located within such potential school or high school
24 district.

25 d. An affidavit signed on behalf of each of ~~said~~ the
26 boards of directors of area education agencies by a member of
27 ~~such~~ the board stating the boundaries as shown on ~~such~~ the
28 plat have been agreed upon by the respective boards as a part
29 of the overall plan of school or high school district
30 reorganization of each ~~such~~ school.

31 Sec. 42. Section 275.9, Code 1991, is amended to read as
32 follows:

33 275.9 METHODS OF EFFECTUATING REORGANIZATION PLANS.

34 When-any If a school or high school district is enlarged,
35 reorganized, or changes its boundaries pursuant to the plans

1 hereinabove provided for in this chapter, such enlargement,
2 reorganization, or boundary change shall be accomplished by
3 the method hereinafter provided in this chapter.

4 The provisions of sections 275.1 to 275.5, relating to
5 studies, surveys, hearings and adoption of plans shall
6 constitute a mandatory prerequisite to the effectuation of any
7 proposal for school or high school district boundary change.
8 It shall be the mandatory duty of the area education agency
9 board to dismiss the petition if the above provisions are not
10 complied with fully.

11 Sec. 43. Section 275.11, Code 1991, is amended to read as
12 follows:

13 275.11 PROPOSALS INVOLVING TWO OR MORE SCHOOL OR HIGH
14 SCHOOL DISTRICTS.

15 Subject to the approval of the area education agency board
16 contiguous territory located in two or more school or high
17 school districts may be united into a single district in the
18 manner provided in sections 275.12 to 275.22 hereof.

19 Sec. 44. Section 275.12, Code 1991, is amended to read as
20 follows:

21 275.12 PETITION PROPOSED PLAN -- METHOD OF ELECTION.

22 1. A petition proposed plan describing the boundaries, or
23 accurately describing the area included therein by legal
24 descriptions, of the proposed school or high school district,
25 which boundaries or area described shall conform to plans
26 developed or the petition shall request change of the plan,
27 shall be filed with the area education agency administrator of
28 the area education agency in which the greatest number of
29 qualified electors reside. However, the area education agency
30 administrator shall not accept a petition if any of the school
31 or high school districts affected have approved the issuance
32 of general obligation bonds at an election pursuant to section
33 296.6 during the preceding six-month period. The petition
34 proposed plan shall be signed by qualified electors in each
35 existing school or high school district or portion affected

1 equal in number to at least twenty percent of the number of
2 qualified electors or four hundred qualified electors,
3 whichever is the smaller number.

4 2. The petition proposed plan filed under subsection 1
5 shall also state the name of the proposed school or high
6 school district, and the number of directors, which-may-be
7 either-five-or-seven and the method of election of the high
8 school district directors of the proposed or current school
9 district. The method of election of the directors shall be
10 one of the following optional plans:

11 a. Election at large from the entire high school district
12 by the electors of the entire high school district.

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

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

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

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

20 ~~e.--in-districts-having-seven-directors,-election-of-three~~
21 ~~directors-at-large-by-the-electors-of-the-entire-district,-one~~
22 ~~at-each-annual-school-election,-and-election-of-the-remaining~~
23 ~~directors-as-residents-of-and-by-the-electors-of-individual~~
24 ~~geographic-subdistricts-established-on-the-basis-of-population~~
25 ~~and-identified-as-director-districts.--Boundaries-of-the~~
26 ~~subdistricts-shall-follow-precinct-boundaries,-insofar-as~~
27 ~~practicable,-and-shall-not-be-changed-less-than-sixty-days~~
28 ~~prior-to-the-annual-school-election,-~~

29 3. If the petition proposes proposed plan provides for the
30 division of the high school district into director-districts
31 subdistricts, the boundaries of such the proposed director
32 districts subdistricts shall be described in the petition
33 proposed plan.

34 4. The area education agency board in reviewing the
35 petition proposed plan as provided in sections 275.15 and

1 275.16 shall review the proposed method of election of school
2 directors and may change or amend the plan in any manner,
3 including the changing of boundaries of ~~director-districts~~ any
4 subdistricts if proposed, or to specify a different method of
5 electing school directors as may be required by law, justice,
6 equity, and the interest of the people. In the action, the
7 area education agency board shall follow the same procedure as
8 is required by sections 275.15 and 275.16 for other action on
9 the petition proposed plan by the area education agency board.

10 5. The petition proposed plan may also include a provision
11 that the voter-approved physical plant and equipment levy
12 provided in section 298.2, will be voted upon at the election
13 conducted under section 275.18.

14 Sec. 45. Section 275.13, Code 1991, is amended to read as
15 follows:

16 275.13 AFFIDAVIT -- PRESUMPTION.

17 ~~Such-petition~~ The proposed plan shall be accompanied by an
18 affidavit showing the number of qualified electors living in
19 each affected district or portion thereof described in the
20 petition proposed plan and signed by a qualified elector
21 residing in the territory, and if parts of the territory
22 described in the petition proposed plan are situated in
23 different area education agencies, the affidavit shall show
24 separately as to each agency, the number of qualified electors
25 in the part of the agency included in the territory described.
26 The affidavit shall be taken as true unless objections to it
27 are filed on or before the time fixed for filing objections as
28 provided in section 275.14 hereof.

29 Sec. 46. Section 275.14, unnumbered paragraph 1, Code
30 1991, is amended to read as follows:

31 Within ten days after the petition proposed plan is filed,
32 the area education agency administrator shall fix a final date
33 for filing objections to the petition proposed plan which
34 shall be not more than sixty days after the petition proposed
35 plan is filed and shall fix the date for a hearing on the

1 objections to the petition proposed plan. Objections shall be
2 filed in the office of the administrator who shall give notice
3 at least ten days prior to the final day for filing
4 objections, by one publication in a newspaper published within
5 the territory described in the petition proposed plan, or if
6 none is published in the territory, in a newspaper published
7 in the county where the petition proposed plan is filed, and
8 of general circulation in the territory described. The notice
9 shall also list the date, time, and location for the hearing
10 on the petition proposed plan as provided in section 275.15.
11 The cost of publication shall be assessed to each district
12 whose territory is involved in the ratio that the number of
13 pupils in basic enrollment for the budget year, as defined in
14 section 257.6 in each district bears to the total number of
15 pupils in basic enrollment for the budget year in the total
16 area involved. Objections shall be in writing in the form of
17 an affidavit and may be made by any person residing or owning
18 land within the territory described in the petition proposed
19 plan, or who would be injuriously affected by the proposed
20 change petitioned-for and shall be on file not later than
21 twelve o'clock noon of the final day fixed for filing
22 objections.

23 Sec. 47. Section 275.15, Code 1991, is amended to read as
24 follows:

25 275.15 HEARING -- DECISION -- PUBLICATION -- APPEAL.

26 At the hearing, which shall be held within ten days of the
27 final date set for filing objections, interested parties, both
28 petitioners subscribers to the proposed plan and objectors,
29 may present evidence and arguments, and the area education
30 agency board shall review the matter on its merits and within
31 ten days after the conclusion of any hearing, shall rule on
32 the objections and shall enter an order fixing the boundaries
33 for the proposed school corporation or high school district as
34 will in its judgment be for the best interests of all parties
35 concerned, having due regard for the welfare of adjoining

1 districts, or dismiss the petition proposed plan.

2 The area education agency board, when entering the order
3 fixing the boundaries, shall consider all requests timely
4 filed for boundary line changes. Each objection filed by a
5 property owner shall be considered separately and an
6 individual ruling made.

7 If the petition proposed plan is not dismissed and the
8 board determines that additional information is required in
9 order to fix boundary lines of the proposed school corporation
10 or high school district, the board may continue the hearing
11 for no more than thirty days. The date of the continued
12 hearing shall be announced at the original meeting.

13 Additional objections in the form required in section 275.14
14 may be considered if filed with the administrator within five
15 days, not including Saturdays, Sundays, or holidays, after the
16 date of the original board hearing. If the hearing is
17 continued, the area education agency administrator may conduct
18 one or more meetings with the boards of directors of the
19 affected school or high school districts. Notice of any such
20 meeting must be given at least forty-eight hours in advance by
21 the area education agency administrator in the manner provided
22 in section 21.4. The area education agency board may request
23 that the administrator make alternative recommendations
24 regarding the boundary lines of the proposed school
25 corporation or high school district. The area education
26 agency board shall make a decision on the boundary lines
27 within ten days following the conclusion of the continued
28 hearing.

29 The administrator shall at once publish the decision in the
30 same newspaper in which the original notice was published.
31 Within twenty days after the publication, the decision
32 rendered by the area education agency board may be appealed to
33 the district court in the county involved by any school or
34 high school district affected. For purposes of appeal, only
35 those school or high school districts who filed proposed

1 reorganization petitions plans are school or high school
2 districts affected. An appeal from a decision of an area
3 education agency board or joint area education agency boards
4 under section 275.4, 275.16, or this section is subject to
5 appeal procedures under this chapter and is not subject to
6 appeal under chapter 290.

7 Sec. 48. Section 275.18, Code 1991, is amended to read as
8 follows:

9 275.18 SPECIAL ELECTION CALLED -- TIME.

10 When If the boundaries of the territory to be included in a
11 proposed school corporation or high school district and the
12 number and method of the election of the high school district
13 directors of the proposed school corporation or high school
14 district have been determined as provided in this chapter, the
15 area education agency administrator with whom the petition
16 proposed plan is filed shall give written notice of the
17 proposed date of the election to the county commissioner of
18 elections of either the county in the proposed school
19 corporation or high school district which has the greatest
20 taxable base or the county in which the school corporation or
21 high school district lies. The proposed date shall be as soon
22 as possible pursuant to sections 39.2, subsections 1 and 2,
23 and 47.6, subsections 1 and 2, but not later than November 30
24 of the calendar year prior to the calendar year in which the
25 reorganization will take effect.

26 The county commissioner of elections shall give notice of
27 the election by one publication in the same newspaper in which
28 previous notices have been published regarding the proposed
29 school or high school district reorganization, and in
30 addition, if more than one county is involved, by one
31 publication in a legal newspaper in each county other than
32 that of the first publication. The publication shall be not
33 less than four nor more than twenty days prior to the
34 election. If the decision published pursuant to section
35 275.15 or 275.16 includes a description of the proposed school

1 corporation and a description of the director proposed high
2 school districts and corresponding subdistricts or a
3 description of the school corporation and the proposed high
4 school districts and corresponding subdistricts, if any, the
5 notice for election and the ballot do not need to include
6 these descriptions. Notice for an election shall not be
7 published until the expiration of time for appeal, which shall
8 be the same as that provided in section 275.15 or 275.16,
9 whichever is applicable; and if there is an appeal, not until
10 the appeal has been disposed of.

11 Sec. 49. Section 275.20, Code 1991, is amended to read as
12 follows:

13 275.20 SEPARATE VOTE IN EXISTING SCHOOL OR HIGH SCHOOL
14 DISTRICTS.

15 The voters shall vote separately in each existing school or
16 high school district affected and voters residing in the
17 entire existing school or high school district are eligible to
18 vote upon the proposition to create a new school corporation
19 or high school district and the proposition to levy the voter-
20 approved physical plant and equipment levy under section
21 298.2, if the petition included a provision for a vote to
22 authorize the levy. If a proposition receives a majority of
23 the votes cast in each of at least seventy-five percent of the
24 school or high school districts, and also a majority of the
25 total number of votes cast in all of the school or high school
26 districts, the proposition is carried.

27 Sec. 50. Section 275.22, Code 1991, is amended to read as
28 follows:

29 275.22 CANVASS AND RETURN.

30 The precinct election officials shall count the ballots,
31 and make return to and deposit the ballots with the county
32 commissioner of elections, who shall enter the return of
33 record in the commissioner's office. The county commissioner
34 of elections shall certify the results of the election to the
35 area education agency administrator. If the majority of the

1 votes cast by the qualified electors is in favor of the
2 proposition, as provided in section 275.20, a new school
3 corporation or high school district shall be organized. If
4 the majority of votes cast is opposed to the proposition, a
5 new petition describing the identical or similar boundaries
6 shall not be filed for at least six months from the date of
7 the election. The area education agency administrator shall
8 file a written description of the boundaries as provided in
9 section ~~274.4~~ 274A.22.

10 Sec. 51. Section 275.23, Code 1991, is amended to read as
11 follows:

12 275.23 FREQUENCY OF CHANGE.

13 A school or high school district which is enlarged,
14 reorganized, or changes its boundaries under sections 275.12
15 to 275.22, shall not file a petition under section 275.12 for
16 the purpose of reducing the area served or changing the
17 boundaries to exclude areas encompassed by the enlargement,
18 reorganization, or boundary changes for a period of five years
19 following the effective date of the enlargement,
20 reorganization, or boundary change unless the action is
21 approved by the director of the department of education.

22 Sec. 52. Section 275.23A, Code 1991, is amended to read as
23 follows:

24 275.23A REDISTRICTING FOLLOWING FEDERAL DECENNIAL CENSUS.

25 1. School or high school districts which have directors
26 who represent ~~director-districts~~ high school district
27 subdistricts as provided in section 275.12, subsection 2,
28 paragraphs "b" through e "d", shall be divided into ~~director~~
29 ~~districts~~ subdistricts on the basis of population as
30 determined from the most recent federal decennial census. The
31 ~~director-districts~~ subdistricts shall be as nearly equal as
32 practicable to the ideal population for the districts as
33 determined by dividing the number of ~~director-districts~~
34 subdistricts to be established into the population of the high
35 school district. The ~~director-districts~~ subdistricts shall be

1 composed of contiguous territory as compact as practicable.

2 2. If following a federal decennial census a school or
3 high school district fails to meet population equality
4 requirements, the board of directors of the school or high
5 school district shall adopt a resolution redrawing the
6 ~~director-districts~~ subdistricts not earlier than November 15
7 of the year immediately following the year in which the
8 federal decennial census is taken nor later than May 30 of the
9 second year immediately following the year in which the
10 federal decennial census is taken. A copy of the adopted plan
11 shall be filed with the area education agency administrator of
12 the area education agency in which the school's electors
13 reside.

14 3. The school district or high school district board shall
15 notify the state commissioner of elections and the county
16 commissioner of elections of each county in which ~~a-portion-of~~
17 the school or high school district is located when the
18 boundaries of ~~director-districts~~ subdistricts are changed.
19 The board shall provide the commissioners with maps showing
20 the new boundaries and shall also certify to the state
21 commissioner the populations of the new ~~director-districts~~
22 subdistricts as determined under the latest federal decennial
23 census. If, following a federal decennial census a school or
24 high school district elects not to redraw ~~director-districts~~
25 subdistricts under this section, the school district or high
26 school district board shall so certify to the state
27 commissioner of elections, and the ~~school~~ board shall also
28 certify to the state commissioner the populations of the
29 retained ~~director-districts~~ subdistricts as determined under
30 the latest federal decennial census. Upon failure of a
31 ~~district~~ board to make the required changes by the dates
32 established under this section as determined by the state
33 commissioner of elections, the state commissioner of elections
34 shall make or cause to be made the necessary changes as soon
35 as possible, and shall assess any expenses incurred to the

1 school district. The state commissioner of elections may
2 request the services of personnel of and materials available
3 to the legislative service bureau to assist the state
4 commissioner in making any required boundary changes.

5 4. If more than one incumbent director, whose term extends
6 beyond the organizational meeting of the board of directors
7 after the regular school election following the adoption of
8 the redrawn school or high school districts, reside in a
9 redrawn director-district subdistrict, the terms of office of
10 the affected directors expire at the organizational meeting of
11 the board of directors following the next regular school
12 election.

13 5. The boundary changes under this section take effect
14 July 1 following their adoption for the next regular school
15 election.

16 6. Section 275.9 and sections 275.14 through 275.23 do not
17 apply to changes in director-district subdistrict boundaries
18 made under this section.

19 Sec. 53. Section 275.24, Code 1991, is amended to read as
20 follows:

21 275.24 EFFECTIVE DATE OF CHANGE.

22 When a school or high school district is enlarged,
23 reorganized, or changes its boundary pursuant to sections
24 275.12 to 275.22, the change shall take effect on July 1
25 following the date of the reorganization election held
26 pursuant to section 275.18 if the election was held by the
27 prior November 30. Otherwise the change shall take effect on
28 July 1 one year later.

29 Sec. 54. Section 275.25, Code 1991, is amended to read as
30 follows:

31 275.25 ELECTION OF DIRECTORS.

32 1. If the proposition to establish a new school or high
33 school district carries under the method provided in this
34 chapter, the area education agency administrator with whom the
35 petition was filed shall give written notice of a proposed

1 date for a special election for directors of the subdistrict
2 of the newly formed school or high school district to the
3 commissioner of elections of the county in which the district
4 or high school district involved in the reorganization which
5 has the greatest taxable base lies. The proposed date shall
6 be as soon as possible pursuant to sections 39.2, subsections
7 1 and 2, and 47.6, subsections 1 and 2, but not later than the
8 third Tuesday in January of the calendar year in which the
9 reorganization takes effect. The election shall be conducted
10 as provided in section 277.3, and nomination petitions shall
11 be filed pursuant to section 277.4, except as otherwise
12 provided in this subsection. Nomination petitions shall be
13 filed with the secretary of the board of the existing school
14 district in which the candidate resides, signed by not less
15 than ten eligible electors of the newly formed school or high
16 school district, and filed not less than thirty days prior to
17 the date set for the special school election.

18 ~~2. --The number of directors of a school district is either~~
19 ~~five or seven as provided in section 275.12. --In school~~
20 ~~districts that include a city of fifteen thousand or more~~
21 ~~population as shown by the most recent decennial federal~~
22 ~~census, the board shall consist of seven members elected in~~
23 ~~the manner provided in subsection 3. --If it becomes necessary~~
24 ~~to increase the membership of a board, two directors shall be~~
25 ~~added according to the procedure described in section 277.23.~~

26 2. The county board of supervisors shall canvass the votes
27 and the county commissioner of elections shall report the
28 results to the area education agency administrator who shall
29 notify the persons who are elected directors.

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 newly elected director receiving
33 the most votes shall be elected to serve until the director's
34 successor qualifies after the fourth regular school election
35 date occurring after the effective date of the reorganization;

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

17 4. The board of the a newly formed school or high school
18 district shall organize within fifteen days after the special
19 election upon the call of the area education agency
20 administrator. The A new school board shall have control of
21 the employment of personnel for the a newly formed school
22 district and any corresponding high school districts for the
23 next following school year under section 275.33. Following
24 the first organizational meeting of the board of the a newly
25 formed school district, the board may establish policy,
26 organize curriculum, enter into contracts, complete planning,
27 and take action as necessary for the efficient management of
28 the newly formed community school or high school district.

29 5. Section 49.8, subsection 4 does not permit a director
30 to remain on the board of a school or high school district
31 after the effective date of a boundary change which places the
32 director's residence outside the boundaries of either the
33 school or high school district. Vacancies caused by this
34 occurrence on a board shall be filled in the manner provided
35 in sections 279.6 and 279.7.

1 6. The board of ~~the~~ a newly formed district shall appoint
2 an acting superintendent and an acting board secretary. The
3 appointment of the acting superintendent shall not be subject
4 to the continuing contract provisions of sections 279.20,
5 279.23, and 279.24.

6 Sec. 55. Section 275.26, unnumbered paragraph 1, Code
7 1991, is amended to read as follows:

8 If a district or high school district is established or
9 changes its boundaries ~~it~~ the district shall pay all expenses
10 incurred by the area education agency administrator and the
11 area education agency board in connection with the
12 proceedings. The county commissioner of elections shall
13 assess the costs of the election against the district as
14 provided in section 47.3. If the proposition is dismissed or
15 defeated at the election all expenses shall be apportioned
16 among the ~~several~~ affected districts in proportion to the
17 assessed valuation of property therein.

18 Sec. 56. Section 275.27, Code Supplement 1991, is amended
19 to read as follows:

20 275.27 ~~COMMUNITY SCHOOL AND HIGH SCHOOL~~ COMMUNITY SCHOOL AND HIGH SCHOOL DISTRICTS -- PART
21 OF AREA EDUCATION AGENCY.

22 School or high school districts created or enlarged under
23 this chapter are ~~community-school-districts-and-are~~ part of
24 the area education agency in which the greatest number of
25 qualified electors of the school or high school district
26 reside at the time of the special election called for in
27 section 275.18, and sections of the Code applicable to the
28 common schools generally are applicable to these school or
29 high school districts in addition to the powers and privileges
30 conferred by this chapter. If a school or high school
31 district, created or enlarged under this chapter and assigned
32 to an area education agency under this section, can
33 demonstrate that students in the school or high school
34 district were utilizing a service or program prior to the
35 formation of the new or enlarged school or high school

1 district that is unavailable from the area education agency to
2 which the new or enlarged school or high school district is
3 assigned, the district may be reassigned to the area education
4 agency which formerly provided the service or program, upon an
5 affirmative majority vote of the boards of the affected area
6 education agencies to permit the change.

7 Sec. 57. Section 275.28, Code 1991, is amended to read as
8 follows:

9 275.28 PLAN OF DIVISION OF ASSETS AND LIABILITIES.

10 A plan of reorganization in addition to setting up the
11 territory to comprise the reorganized school or high school
12 districts may provide for a division of assets and liabilities
13 of the old school or high school districts between reorganized
14 school or high school districts. If no provision is made in
15 the plan for division of assets and liabilities, such division
16 shall be made under the provisions of sections 275.29 to
17 275.31, inclusive, ~~hereof~~.

18 Sec. 58. Section 275.29, Code 1991, is amended to read as
19 follows:

20 275.29 DIVISION OF ASSETS AND LIABILITIES AFTER
21 REORGANIZATION.

22 Between July 1 and July 20, the board of directors of the a
23 newly formed school district shall meet with the boards of all
24 the old districts, or parts of districts, affected by the
25 organization of the new school corporation district for the
26 purpose of reaching joint agreement on an equitable division
27 of the assets of the several school corporations or parts of
28 school corporations and an equitable distribution of the
29 liabilities of the affected corporations or parts of
30 corporations. In addition, if outstanding bonds are in
31 existence in any district, the boards shall meet together
32 prior to March 15 prior to the school year the reorganization
33 is effective to determine the distribution of the bonded
34 indebtedness between the districts so that the newly formed
35 district may certify its budget under the procedures specified

1 in chapter 24. The boards shall consider the mandatory levy
2 required in section 76.2 and shall assure the satisfaction of
3 outstanding obligations of each affected school corporation.

4 Sec. 59. Section 275.32, subsections 2 and 3, Code 1991,
5 are amended to read as follows:

6 ~~2. --To build or purchase a superintendent's or teacher's
7 house or houses.~~

8 3 2. To repair or improve any school building or grounds,
9 ~~or superintendent's or teacher's house or houses,~~ when the
10 cost will exceed five thousand dollars.

11 Sec. 60. Section 275.35, Code 1991, is amended to read as
12 follows:

13 275.35 CHANGE OF METHOD OF ELECTIONS.

14 Any existing or hereafter created or enlarged school or
15 high school district may change the number of directors ~~to~~
16 ~~either five or seven~~ and may also change its method of
17 election of ~~school~~ directors to any method authorized by
18 section 275.12 by submission of a proposal, stating the
19 proposed new method of election and describing the boundaries
20 of the proposed ~~director-districts~~ subdistricts if any, by the
21 ~~school~~ board of ~~such~~ the district to the electors at any
22 regular or special school election. The school district board
23 shall notify the county commissioner of elections who shall
24 publish notice of the election in the manner provided in
25 section 49.53. The election shall be conducted pursuant to
26 chapters 39 to 53 by the county commissioner of elections.
27 Such proposal shall be adopted if it is approved by a majority
28 of the votes cast on the proposition.

29 Sec. 61. Section 275.36, Code 1991, is amended to read as
30 follows:

31 275.36 SUBMISSION OF CHANGE TO ELECTORS.

32 If a petition for a change in the number of directors or in
33 the method of election of ~~school~~ directors, describing the
34 boundaries of the proposed ~~director-districts~~ subdistricts, if
35 any, signed by eligible electors of the high school district

1 equal in number to at least thirty percent of those who voted
2 in the last previous annual school election in the high school
3 district, ~~but-not-less-than-twenty-five-persons~~; and
4 accompanied by affidavit as required by section 275.13 be
5 filed with the ~~school~~ advisory board of a high school
6 district, not earlier than six months and not later than two
7 months before a regular or special school election, the high
8 school district advisory board shall notify the district board
9 which shall submit such proposition to the voters at such
10 election. If a proposition for a change in the number of
11 directors or in the method of election of ~~school~~ directors
12 submitted to the voters under this section is rejected, it
13 shall not be resubmitted to the voters of the high school
14 district in substantially the same form within the next three
15 years; if it is approved, no other proposal may be submitted
16 to the voters of the high school district under this section
17 within the next six years.

18 Sec. 62. Section 275.38, Code 1991, is amended to read as
19 follows:

20 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

21 If change in the method of election of high school district
22 directors is approved at a regular or special school election,
23 the directors who were serving unexpired terms or were elected
24 concurrently with approval of the change of method shall serve
25 out the terms for which they were elected. If the plan
26 adopted is that described in section 275.12, subsection 2,
27 paragraph "b," "c," or "d," or "e," the board shall at the
28 earliest practicable time designate the ~~districts~~ subdistricts
29 from which residents are to be elected as ~~school~~ directors at
30 each of the next three succeeding annual school elections,
31 arranging so far as possible for elections of directors as
32 residents of the respective ~~districts~~ subdistricts to coincide
33 with the expiration of terms of incumbent members residing in
34 those ~~districts~~ subdistricts. If an increase in the size of
35 the board ~~from-five-to-seven-members~~ is approved concurrently

1 with the change in method of election of directors, the board
2 shall make the any necessary adjustment in the manner
3 ~~prescribed in section 275.37~~ in which those directors are
4 elected to ensure the staggering of terms, as well as
5 providing for implementation of the districting plan under
6 this section.

7 Sec. 63. Section 275.39, Code 1991, is amended to read as
8 follows:

9 275.39 EXCLUDED TERRITORY INCLUDED IN NEW PETITION.

10 Territory described in ~~the petition of~~ a proposed plan for
11 reorganization which has been set out of the proposed
12 reorganization by the area education agency board or the joint
13 boards and in the event of an appeal, after the decision of
14 the director of the department of education or the courts, may
15 be included in any new petition proposed plan for
16 reorganization.

17 Sec. 64. Section 275.51, Code 1991, is amended to read as
18 follows:

19 275.51 DISSOLUTION COMMISSION.

20 As an alternative to high school district reorganization
21 prescribed provided for in this chapter, the board of
22 directors of a high school district may establish a high
23 school district dissolution commission to prepare a proposal
24 of dissolution of the high school district and attachment of
25 all of the high school district to one or more contiguous
26 school or high school districts and to include in the proposal
27 a division of the assets and liabilities of the dissolving
28 high school district. A high school district dissolution
29 commission may also be established by the board ~~of directors~~
30 of a high school district if a dissolution proposal has been
31 prepared by eligible electors who reside within the high
32 school district. The proposal must contain the names of the
33 proposed members of the commission and be accompanied by a
34 petition which has been signed by at least twenty percent of
35 the eligible electors.

1 The dissolution commission shall consist of seven members
2 appointed by the board for a term of office ending either with
3 a report to the board that no proposal can be approved or on
4 the date of the election on the proposal. Members of the
5 dissolution commission must be eligible electors who reside in
6 the high school district, not more than three of whom may be
7 members of the board of ~~directors~~ of the high school district.
8 Members shall be appointed from throughout the school district
9 and should represent the various socioeconomic factors present
10 in the high school district.

11 Members of the dissolution commission shall serve without
12 compensation and may be appointed to a subsequent commission.
13 A vacancy on the commission shall be filled in the same manner
14 as the original appointment was made.

15 The board of the high school district shall certify to the
16 area education agency board that a commission has been formed,
17 the names and addresses of commission members, and that the
18 commission members represent the various geographic areas and
19 socioeconomic factors present in the high school district.

20 Sec. 65. Section 275.52, unnumbered paragraph 2, Code
21 1991, is amended to read as follows:

22 The commission shall request statements from contiguous
23 school and high school districts outlining each school or high
24 school district's willingness to accept attachments of the
25 affected high school district to the contiguous school or high
26 school districts and what conditions, if any, the contiguous
27 school or high school district recommends. The commission
28 shall meet with boards of contiguous school or high school
29 districts and with residents of the affected high school
30 district to the extent possible in drawing up the dissolution
31 proposal. The commission may seek assistance from the area
32 education agency and the department of education.

33 Sec. 66. Section 275.53, unnumbered paragraph 1, Code
34 1991, is amended to read as follows:

35 The commission shall send a copy of its dissolution

1 proposal or shall inform the board that it cannot agree upon a
2 dissolution proposal not later than one year following the
3 date of the organizational meeting of the commission. The
4 commission shall also send a copy of the dissolution proposal
5 by registered mail to the boards ~~of-directors~~ of all school or
6 high school districts to which part or all of the area of the
7 affected high school district will be attached. If the board
8 of a school or high school district to which part or all of
9 the area of the affected high school district will be attached
10 objects to the attachment, within ten days following receipt
11 of the dissolution proposal the board shall send its
12 objections in writing to the commission. The commission may
13 consider the objections and may modify the dissolution
14 proposal. If the dissolution proposal is modified, the
15 commission shall notify by registered mail the boards of
16 ~~directors~~ of all school or high school districts to which part
17 or all of the area of the affected high school district will
18 be attached.

19 Sec. 67. Section 275.54, Code 1991, is amended to read as
20 follows:

21 275.54 HEARING.

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

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

16 If a dissolution proposal adopted by a board contains
17 provisions that ninety-five percent or more of the taxable
18 valuation of the dissolving high school district would be
19 assumed and attached to a single school district, the
20 dissolving high school district shall cease further
21 proceedings to dissolve and shall comply with reorganization
22 procedures specified in this chapter.

23 Sec. 68. Section 275.55, unnumbered paragraphs 1 and 4,
24 Code 1991, are amended to read as follows:

25 The board of the high school district shall call a special
26 election to be held not later than forty days following the
27 date of the final hearing on the dissolution proposal. The
28 special election may be held at the same time as the regular
29 school election. The proposition submitted to the voters
30 residing in the high school district at the special election
31 shall describe each separate area to be attached to a
32 contiguous school or high school district and shall name the
33 high school district to which it will be attached.

34 The attachment is effective July 1 following its approval.
35 If the dissolution proposal is for the dissolution of a high

1 school district with a certified enrollment of fewer than six
2 hundred, the territory located in the high school district
3 that dissolved is eligible, if approved by the director of the
4 department of education, for a reduction in the foundation
5 property tax levy under section 257.3, subsection 1. If the
6 director approves a reduction in the foundation property tax
7 levy as provided in this section, the director shall notify
8 the director of the department of management of the reduction.

9 Sec. 69. Section 275.55A, Code 1991, is amended to read as
10 follows:

11 275.55A ATTENDANCE IN OTHER DISTRICT.

12 A pupil enrolled in ninth, tenth, or eleventh grade during
13 the school year preceding the effective date of a dissolution
14 proposal, who was a resident of the high school district that
15 dissolved, may enroll in any high school district to which
16 territory of the high school district that dissolved was
17 attached until that pupil's graduation from high school.
18 Notwithstanding section 282.24, the high school district of
19 residence of the pupil, determined in the dissolution
20 proposal, shall pay or transfer tuition to the school or high
21 school district selected by the pupil in an amount not to
22 exceed the district cost per pupil of the district of
23 residence and the high school district selected by the pupil
24 shall accept that tuition payment and enroll the pupil.

25 Sec. 70. Section 275.56, Code 1991, is amended to read as
26 follows:

27 275.56 INCREASING ENROLLMENT.

28 If the enrollment of a school or high school district
29 increases or is expected to increase because an adjacent
30 school or high school district has dissolved or is expected to
31 dissolve, the board of directors of the school district shall
32 determine whether there is a need to hire additional licensed
33 or unlicensed employees. If the board of directors determines
34 that there is a need to hire additional employees, the board
35 shall determine the nature and number of the necessary new

1 positions. Individuals who were employees of in the dissolved
2 high school district may apply for the new positions. The
3 board shall hire those applicants who were employees of the
4 dissolved high school district whenever the applicant is
5 licensed for the new position or, in the case of unlicensed
6 personnel, is otherwise qualified. If two employees of the
7 dissolved school or high school district apply for a single
8 licensed position, the applicant who is best qualified in the
9 opinion of the board shall be hired. The board is not
10 required to hire applicants who were employees of or in the
11 dissolved school or high school district if the school or high
12 school district has been dissolved for one or more school
13 years. Applicants who are re-employed under this section
14 shall maintain in the re-employing district vacation, salary
15 or alternatively placement on a salary schedule based on the
16 employee's years of experience, sick leave, and completion of
17 probationary status as defined by section 279.19.

18 Sec. 71. Section 275.59, Code 1991, is amended to read as
19 follows:

20 275.59 EARLY RETIREMENT FOLLOWING SCHOOL REORGANIZATION OR
21 DISSOLUTION.

22 A licensed employee of a school district which reorganizes
23 or dissolves or contains a high school district which
24 reorganizes or dissolves under this chapter during the period
25 beginning July 1, 1990, and ending June 30, 1992, is eligible
26 to receive a retirement incentive as provided in this section.
27 The retirement incentive is in addition to any retirement
28 incentive provided by the board of directors of a school
29 district under section 279.46. The licensed employee shall be
30 between fifty-nine and sixty-five years of age at the time the
31 reorganization or dissolution occurs. If the licensed
32 employee is less than sixty-five years of age when the
33 licensed employee terminates employment, the licensed employee
34 is eligible to receive a retirement bonus which is a lump sum
35 payment equal to ten percent of the final annual salary of the

1 employee, not to exceed five thousand dollars. The board of
2 directors of the school district shall notify the department
3 of management of the names of employees eligible for payments
4 under this section and shall submit other verification of
5 employment required by the department of management. For the
6 purposes of this section, "licensed employee" means an
7 administrator or teacher who possesses a license issued under
8 chapter 260 and at the time of retirement is employed on a
9 full-time basis by one or more school districts. The governor
10 shall authorize payment from the salary adjustment fund for
11 the retirement bonuses paid under this section. Section 8.39
12 does not apply to payments made from the salary adjustment
13 fund under this section.

14 Sec. 72. Section 276.3, subsection 9, Code 1991, is
15 amended to read as follows:

16 9. "Board" means the ~~local~~ advisory board of-directors of
17 high school districts.

18 Sec. 73. Section 276.10, Code 1991, is amended to read as
19 follows:

20 276.10 ESTABLISHMENT OF PROGRAM.

21 1. The board of directors of a ~~local~~ school district may
22 establish a community education program for schools in the
23 district and provide for the general supervision of the
24 program. Financial support for the program shall be provided
25 from funds raised pursuant to chapter 300 and from any private
26 funds and any federal funds made available for the purpose of
27 implementing this chapter. The program which recognizes that
28 the schools belong to the people and which shall be centered
29 in the schools may include but shall not be limited to the use
30 of the school facilities day and night, year round including
31 weekends and regular school vacation periods for educational,
32 recreational, cultural, and other community services and
33 programs for all age, ethnic, and socioeconomic groups
34 residing in the community.

35 2. If a community education program is established, the

1 board shall ~~appoint~~ provide for the appointment of a community
2 education director who shall have professional training in the
3 field of community education, recreation, or comparable
4 experience.

5 3. Upon establishment of a community education program,
6 the board shall provide for the selection of a district-wide
7 advisory council which shall be responsible to the board and
8 shall co-operate with and assist the board and the local
9 community education director. The board shall also provide
10 for the selection of local advisory councils.

11 4. The board of directors of a school district shall
12 receive an annual report and budget recommendation from the
13 district-wide advisory council and may request supplementary
14 reports as needed.

15 5. The school districts may co-operate with community
16 colleges, institutions under the control of the state board of
17 regents, and area education agencies in providing community
18 education programs.

19 6. The board of directors of a school district may use
20 opportunities available under ~~public-law~~ Pub. L. No. 93-380.

21 7. The board of directors of a school district may approve
22 co-operation and pooling of funds with other school districts.

23 Sec. 74. Section 277.1, Code 1991, is amended to read as
24 follows:

25 277.1 REGULAR ELECTION.

26 The regular election shall be held annually on the second
27 Tuesday in September in each high school district for the
28 election of ~~officers~~ directors of the high school district and
29 officers of the merged area and for the purpose of submitting
30 to the voters any matter authorized by law.

31 Sec. 75. Section 277.2, Code 1991, is amended to read as
32 follows:

33 277.2 SPECIAL ELECTION.

34 The board of directors in a school corporation may call a
35 special election at which the voters shall have the powers

1 exercised at the regular election with reference to the sale
2 of school property and the application to be made of the
3 proceeds, ~~the authorization of seven members on the board of~~
4 ~~directors~~, the authorization to establish or change the
5 boundaries of ~~director~~ high school districts or subdistricts
6 of a high school district, and the authorization of a voter-
7 approved physical plant and equipment levy or indebtedness, as
8 provided by law.

9 Sec. 76. Section 277.4, Code 1991, is amended to read as
10 follows:

11 277.4 NOMINATIONS REQUIRED.

12 Nomination papers for all candidates for election to office
13 in each high school district shall be filed with the secretary
14 of the school district advisory board not more than sixty-four
15 days, nor less than forty days before the election.

16 Nomination petitions shall be filed not later than five p.m.
17 on the last day for filing. If the school board secretary is
18 not readily available during normal office hours, the
19 secretary may designate a full-time employee of the school
20 district who is ordinarily available to accept nomination
21 papers under this section. On the final date for filing
22 nomination papers the office of the school secretary shall
23 remain open until five p.m.

24 Each candidate shall be nominated by a petition signed by
25 not less than ten eligible electors of the district. Signers
26 of nomination petitions shall include their addresses and the
27 date of signing, and must reside in the same high school
28 district as the candidate ~~if directors are elected by~~
29 ~~district, rather than at large~~. A person may sign nomination
30 petitions for more than one candidate for the same office, and
31 the signature is not invalid solely because the person signed
32 nomination petitions for one or more other candidates for the
33 office. The petition shall be filed with the affidavit of the
34 candidate being nominated, stating the candidate's name, place
35 of residence, that such person is a candidate and is eligible

1 for the office the candidate seeks, and that if elected the
2 candidate will qualify for the office.

3 The secretary of the school board shall accept the petition
4 for filing if on its face it appears to have the requisite
5 number of signatures and if it is timely filed. The secretary
6 of the school board shall note upon each petition and
7 affidavit accepted for filing the date and time that the
8 petition was filed. The secretary of the school board shall
9 deliver all nomination petitions, together with the complete
10 text of any public measure being submitted by the board to the
11 electorate, to the county commissioner of elections not later
12 than five o'clock p.m. on the day following the last day on
13 which nomination petitions can be filed.

14 Any person on whose behalf nomination petitions have been
15 filed under this section may withdraw as a candidate by filing
16 a signed statement to that effect with the secretary at any
17 time prior to five o'clock p.m. on the thirty-fifth day before
18 the election.

19 Sec. 77. Section 277.5, Code 1991, is amended to read as
20 follows:

21 277.5 OBJECTIONS TO NOMINATIONS.

22 1. Objections to the legal sufficiency of a nomination
23 petition or to the eligibility of a candidate may be filed by
24 any person who would have the right to vote for a candidate
25 for the office in question. The objection must be filed with
26 the secretary of the school board at least thirty days before
27 the day of the school election. When objections are filed
28 notice shall forthwith be given to the candidate affected,
29 addressed to the candidate's place of residence as given on
30 the candidate's affidavit, stating that objections have been
31 made to the legal sufficiency of the petition or to the
32 eligibility of the candidate, and also stating the time and
33 place the objections will be considered.

34 2. Objections shall be considered not later than two
35 working days following the receipt of the objections by the

1 president of the school board, the secretary of the school
2 board, and one ~~additional~~ member of the school board chosen by
3 ballot. If objections have been filed to the nominations of
4 either of those school officials, that official shall not pass
5 on the objection. The official's place shall be filled by a
6 member of the a high school district advisory board against
7 whom no objection exists. The replacement shall be chosen by
8 ballot.

9 3. For the elections of high school district advisory
10 board members which occur in September of 1994, objections
11 shall be filed with the county commissioner of elections or
12 the commissioner's designee.

13 Sec. 78. Section 277.20, unnumbered paragraph 1, Code
14 1991, is amended to read as follows:

15 On the next Friday after the regular school election, the
16 county board of supervisors shall canvass the returns made to
17 the county commissioner of elections from the several precinct
18 polling places and the absentee ballot counting board,
19 ascertain the result of the voting with regard to every matter
20 voted upon and cause a record to be made thereof as required
21 by section 50.24. Special elections held in high school
22 districts shall be canvassed at the time and in the manner
23 required by that section. The board shall declare the results
24 of the voting for members of boards of directors of high
25 school districts and school corporations nominated pursuant to
26 section 277.4, and the commissioner shall at once issue a
27 certificate of election to each person declared elected. The
28 board shall also declare the results of the voting on any
29 public question submitted to the voters of a ~~single~~ school
30 district, and the commissioner shall certify the result as
31 required by section 50.27.

32 Sec. 79. Section 277.25, Code 1991, is amended to read as
33 follows:

34 277.25 DIRECTORS IN NEW DISTRICTS.

35 At the first election in newly organized school or high

1 school districts the directors shall be elected as follows:

2 1. In high school districts having three directors, one
3 director shall be elected for one year, one for two years, and
4 one for three years.

5 2. In high school districts having five directors, two
6 shall be elected for one year, two for two years, and one for
7 three years.

8 3. In high school districts having seven directors, two
9 shall be elected for one year, two for two years, and three
10 for three years.

11 Sec. 80. Section 277.27, Code 1991, is amended to read as
12 follows:

13 277.27 QUALIFICATION.

14 A member of the a high school district, school district, or
15 school corporation board shall, at the time of election or
16 appointment, be an eligible elector of the corporation or
17 subdistrict. Notwithstanding any contrary provision of the
18 Code, a member of the board of directors of a high school or
19 school district shall not receive compensation directly from
20 the high school district advisory or school district board.

21 Sec. 81. Section 277.28, Code 1991, is amended to read as
22 follows:

23 277.28 OATH REQUIRED.

24 Each director elected at a regular district-or-director
25 high school district election shall qualify by taking the oath
26 of office on or before the time set for the organization
27 meeting of the high school district advisory board and the
28 election and qualification entered of record by the secretary.
29 The oath may be administered by any qualified member of the
30 high school district advisory board or the secretary of the
31 board and may be taken in substantially the following form:

32 "Do you solemnly swear that you will support the
33 Constitution of the United States and the Constitution of the
34 state of Iowa and that you will faithfully and impartially to
35 the best of your ability discharge the duties of the office of

1 (naming the office) in (naming the district) as
2 now or hereafter required by law?"

3 If the oath of office is taken elsewhere than in the
4 presence of the high school district advisory board in session
5 it may be administered by any officer listed in sections 78.1
6 and 78.2 and shall be subscribed to by the person taking it in
7 substantially the following form:

8 "I,, do solemnly swear that I will support the
9 Constitution of the United States and the Constitution of the
10 state of Iowa and that I will faithfully and impartially to
11 the best of my ability discharge the duties of the office of
12 (naming the office) in (naming the district)
13 as now or hereafter required by law."

14 Such oath shall be properly verified by the administering
15 officer and filed with the secretary of the board.

16 Sec. 82. Section 277.29, Code 1991, is amended to read as
17 follows:

18 277.29 VACANCIES.

19 Failure to elect at the proper election or to appoint
20 within the time fixed by law or the failure of the officer
21 elected or appointed to qualify within the time prescribed by
22 law; the incumbent ceasing for any reason to be a resident of
23 the district or ~~removing-residence-from-the-subdistrict~~ high
24 school district; the resignation or death of incumbent or of
25 the officer-elect; the removal of the incumbent from, or
26 forfeiture of, the office, or the decision of a competent
27 tribunal declaring the office vacant; the conviction of
28 incumbent of a felony, as defined in section 701.7, or of any
29 public offense involving the violation of the incumbent's oath
30 of office, shall constitute a vacancy.

31 Sec. 83. Section 277.31, Code 1991, is amended to read as
32 follows:

33 277.31 SURRENDERING OFFICE.

34 Each school officer or member of the high school district
35 advisory or district board upon the termination of the officer

1 or member's term of office shall immediately surrender to the
2 successor all books, papers, and moneys pertaining or
3 belonging to the office, taking a receipt therefor.

4 Sec. 84. Section 277.32, Code 1991, is amended to read as
5 follows:

6 277.32 PENALTIES.

7 Any school officer willfully violating any law relative to
8 ~~common~~ the schools, or willfully failing or refusing to
9 perform any duty imposed by law, shall forfeit and pay into
10 the treasury of the particular school corporation in which the
11 violation occurs the sum of twenty-five dollars, action to
12 recover which shall be brought in the name of the proper
13 school corporation, and be applied to the use of the schools
14 therein.

15 Sec. 85. Section 278.1, subsection 9, Code 1991, is
16 amended to read as follows:

17 9. Change the name of the school district, without
18 affecting its corporate existence, rights, or obligations, and
19 subject to the requirements of section ~~274-6~~ 274A.24.

20 Sec. 86. Section 282.7, subsections 1 and 2, Code
21 Supplement 1991, are amended to read as follows:

22 1. The board of directors of a school district or the
23 advisory board of a high school district by record action may,
24 subject to the review and approval of the district board,
25 discontinue any or all of grades seven through twelve in the
26 schools under the district or high school district advisory
27 board's control and negotiate an agreement for attendance of
28 the pupils enrolled in those grades in the schools of one or
29 more contiguous school or high school districts having
30 accredited school systems. If the board designates more than
31 one contiguous school or high school district for attendance
32 of its pupils, the board shall draw boundary lines within the
33 school or high school district for determining the school
34 districts of attendance of the pupils. The portion of a
35 school or high school district so designated shall be

1 contiguous to the accredited school or high school district
2 designated for attendance. Only entire grades may be
3 discontinued under this subsection and if a grade is
4 discontinued, all higher grades in that school or high school
5 district shall also be discontinued. A school or high school
6 district that has discontinued one or more grades under this
7 subsection has complied with the requirements of section 275.1
8 relating to the maintenance of kindergarten and twelve grades.
9 A pupil who graduates from another school or high school
10 district under this subsection shall receive a diploma from
11 the receiving school or high school district. The boards of
12 directors entering into an agreement under this section shall
13 provide for sharing the costs and expenses as provided in
14 sections 282.10 through 282.12. The agreement shall provide
15 for transportation and authority and liability of the affected
16 boards.

17 2. If the vocational program offered by a school or high
18 school district does not meet the state board of vocational
19 education's standards for program approval, the school or high
20 school district shall be granted one year to meet the
21 standards for approval. If a school or high school district
22 chooses to waive the one-year grace period, or the school or
23 high school district fails to meet the approval standards
24 after one year, the director of the board of vocational
25 education shall delegate the authority to the regional
26 planning board established pursuant to section 258.16 to
27 direct the school or high school district to contract with
28 another school or high school district or a merged area school
29 which has an approved program, for the provision of vocational
30 education for students of the school or high school district.
31 The school or high school district that has waived the one-
32 year grace period or has failed to meet the approval standards
33 shall pay to the school or high school district or merged area
34 school that has an approved program an amount equal to the
35 percent of the school day in which a pupil is receiving

1 vocational education in the approved program times the
2 district cost per pupil of the district of residence of the
3 pupil. The regional planning board established pursuant to
4 section 258.16 shall contract with an approved program for
5 delivery of vocational education in the school or high school
6 district which has failed to meet the approval standards or
7 has waived the one-year grace period. Transportation to and
8 from the approved program shall be provided by the school
9 district which is responsible for any high school district
10 that has waived the one-year grace period or has failed to
11 meet approval standards. Reasonable effort shall be made to
12 conduct the approved program at an attendance center in the
13 district in which a high school district that has failed to
14 meet the approval standards or has waived the one-year grace
15 period is located.

16 Sec. 87. Section 282.10, Code 1991, is amended to read as
17 follows:

18 282.10 WHOLE GRADE SHARING.

19 1. Whole grade sharing is a procedure used by school or
20 high school districts whereby all or a substantial portion of
21 the pupils in any grade in two or more school or high school
22 districts share an educational program for all or a
23 substantial portion of a school day under a written agreement
24 pursuant to section 256.13, 280.15, or 282.7, subsection 1 or
25 subsections 1 and 3. Whole grade sharing may either be one-
26 way or two-way sharing.

27 2. One-way whole grade sharing occurs when a school or
28 high school district sends pupils to one or more other school
29 or high school districts for instruction and does not receive
30 a substantial number of pupils from those districts in return.

31 3. Two-way whole grade sharing occurs when a school or
32 high school district sends pupils to one or more other school
33 districts for instruction and receives a substantial number of
34 pupils from those school districts in return.

35 4. A whole grade sharing agreement shall be signed

1 approved by the boards of the districts involved in or
2 affected by the agreement not later than February 1 of the
3 school year preceding the school year for which the agreement
4 is to take effect.

5 Sec. 88. Section 282.11, Code 1991, is amended to read as
6 follows:

7 282.11 PROCEDURE.

8 Not less than ninety days prior to signing a whole grade
9 sharing agreement whereby all or a substantial portion of the
10 pupils in a grade in the a school or high school district will
11 attend school in another school or high school district, the
12 board of-directors of each school or high school district that
13 is negotiating, extending, or renewing a sharing agreement,
14 shall publicly announce its intent to negotiate a sharing
15 agreement under section 21.4, subsection 1. Within thirty
16 days of the board's public notice, a petition may be filed
17 with the department of education requesting that a feasibility
18 study be completed. The petition shall be signed by twenty
19 percent of the eligible electors in the school or high school
20 district. The director of the department of education may
21 determine that a feasibility study conducted by the board
22 satisfies the request, provided that the study conforms with
23 the criteria contained in section 256.9.

24 Not less than thirty days prior to signing a whole grade
25 sharing agreement whereby all or a substantial portion of the
26 pupils in a grade in the school or high school district will
27 attend school in another school or high school district, the
28 board of-directors of each school or high school district that
29 is a party to a proposed sharing agreement shall hold a public
30 hearing at which the proposed agreement is described, and at
31 which the parent or guardian of an affected pupil and
32 certificated employees of the school district shall have an
33 opportunity to comment on the proposed agreement. Within the
34 thirty-day period prior to the signing of the agreement, the
35 parent or guardian of an affected pupil may request the board

1 of-directors to send the pupil to another contiguous school or
2 high school district. The request shall be based upon one of
3 the following:

4 1. That the agreement will not meet the educational
5 program needs of the pupil.

6 2. That adequate consideration was not given to
7 geographical factors.

8 The board shall allow or disallow the request prior to the
9 signing of the agreement, or the request shall be deemed
10 granted. If the board disallows the request, the board shall
11 indicate the reasons why the request is disallowed and shall
12 notify the parent or guardian that the decision of the board
13 may be appealed as provided in this section.

14 If the board disallows the request of a parent or guardian
15 of an affected pupil, the parent or guardian, not later than
16 March 1, may appeal the sending of that pupil to the school or
17 high school district specified in the agreement, to the board
18 of the school district if the disallowing board is a high
19 school district advisory board, and, if the appeal or the
20 initial request is rejected by the board of the school
21 district, to the state board of education. The basis for the
22 appeal either appeal shall be the same as the basis for the
23 request to the high school district advisory or school board.
24 An appeal shall specify a contiguous school or high school
25 district to which the parent or guardian wishes to send the
26 affected pupil. If the parent or guardian appeals, the
27 standard of review of the appeal is a preponderance of
28 evidence that the parent's or guardian's hardship outweighs
29 the benefits and integrity of the sharing agreement. The
30 state board may require the school or high school district of
31 residence to pay transfer tuition moneys to the contiguous
32 school or high school district specified by the parent or
33 guardian, or may deny the appeal by the parent or guardian.
34 If the state board requires the school or high school district
35 of residence to pay transfer tuition moneys to the contiguous

1 school or high school district specified by the parent or
2 guardian, the tuition shall be equal to the tuition
3 established in the sharing agreement. The decision of the
4 state board is binding on the boards of directors of the
5 school districts and high school districts affected, except
6 that the decision of the state board may be appealed by either
7 party to the district court.

8 Sec. 89. Section 282.12, Code 1991, is amended to read as
9 follows:

10 282.12 FUNDING.

11 1. An agreement for whole grade sharing shall establish a
12 method for determination of costs, if any, associated with the
13 sharing agreement.

14 2. For one-way sharing, the sending school or high school
15 district shall pay or transfer no less than one-half of the
16 district cost per pupil of the sending school or high school
17 district.

18 3. For two-way sharing, the costs shall be determined by
19 mutual agreement of the boards.

20 4. The number of pupils participating in a whole grade
21 sharing agreement shall be determined on the third Friday of
22 September and third Friday of February of each year.

23 Sec. 90. Section 282.18, Code Supplement 1991, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 20. For purposes of this section,
26 "district" or "school district" includes both school and high
27 school districts and "board" or "board of directors" includes
28 both the board of directors of a school district and the high
29 school district advisory board.

30 Sec. 91. DEPARTMENTAL STUDY REGARDING SCHOOL AND HIGH
31 SCHOOL DISTRICT POPULATIONS. The department of education, in
32 consultation with the secretary of state, shall conduct a
33 study of the distribution of the state's population within the
34 school districts as they will exist subsequent to any
35 redrawing of boundaries pursuant to section 275.23A of the

1 Code and how that distribution will appear after the redrawing
2 of the boundaries to coincide with county lines. The study
3 shall include the identification of districts which are
4 located in two or more counties, identification of locations
5 of high school district lines, proposed subdivisions of high
6 school districts which will provide population equality within
7 the high school districts and proportional representation of
8 the counties' populations on the districts' boards,
9 recommendations as to minimum high school district size,
10 recommendations as to the maximum number of directors that are
11 to be elected at the high school district level, and
12 recommendations as to the maximum number of members of school
13 boards. The department shall submit preliminary conclusions
14 and any recommendations in a report to the general assembly by
15 January 1, 1993, and final conclusions and recommendations in
16 a report to the general assembly by January 1, 1994.

17 Sec. 92. DEPARTMENTAL STUDY OF SCHOOL BOARD FUNCTIONS.
18 The department of education, in consultation with the Iowa
19 school board association, an organization representing the
20 school administrators of Iowa, and an organization
21 representing the education practitioners of Iowa, shall
22 conduct a study of school and school board functions to
23 determine which administrative functions are most efficiently
24 performed at the school or the district level. In conducting
25 the study, the department shall consider the programming needs
26 of students, the need for local flexibility and autonomy in
27 certain kinds of decision making, and the efficiencies that
28 can be obtained through mass purchasing and central decision
29 making. The department shall submit its findings along with
30 any recommendations for allocation of administrative functions
31 in a report to the general assembly by January 1, 1993.

32 Sec. 93. Sections 275.16 and 275.17, Code 1991, are
33 amended by striking the word "petition" and inserting in lieu
34 thereof the words "proposed plan".

35 Sec. 94. Chapter 274 and sections 275.3, 275.37, 275.41,

1 277.6, and 277.23, Code 1991, are repealed July 30, 1994.

2 Sec. 95. Sections 20 through 33 and sections 36 through 71
3 of this Act take effect July 1, 1994.

4 Sec. 96. Sections 72 through 90 and section 93 of this Act
5 take effect July 1, 1995.

6 Sec. 97. Sections 2 through 19 of this Act are repealed
7 effective July 1, 1996.

8 EXPLANATION

9 This bill provides for the reorganization of school
10 districts into 106 school districts. Except for the seven
11 largest districts in the state, effective July 1, 1995, each
12 of the existing school districts will be reorganized into
13 districts that are coextensive with the boundaries of the 99
14 counties. Each school district will be governed by a school
15 board which will be responsible for the management of the
16 larger affairs of the district. Each school district will
17 also be subdivided into one or more high school districts,
18 that may in turn be divided into subdistricts, which will be
19 in charge of some aspects of school management. Each high
20 school district will send one or more representatives from the
21 high school district to the district board. The school
22 district boundary lines will be drawn first, using a method
23 based on the current school reorganization provisions. The
24 department of education, in consultation with the secretary of
25 state, will conduct a study of the distribution of the state's
26 population within the school districts, as they will exist
27 after the redrawing of district boundaries based on the most
28 recent census, and determine what the distribution will look
29 like once the boundaries are redrawn to coincide with county
30 boundaries. The department is to formulate recommendations
31 relating to the size and representation for high school
32 districts' boards and maximum school board size for school
33 districts. The department is also to study the functions that
34 are performed by school boards and determine which functions
35 are more efficiently performed at the local or the district

1 level. The recommendations by the department are due before
2 the actual reorganization of districts will take place.

3 The bill may include a state mandate as defined in section
4 25B.3.

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