

Senate File 259 - Introduced

SENATE FILE 259
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 69)

A BILL FOR

1 An Act relating to filling school board vacancies.

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

1 Section 1. Section 279.6, Code 2015, is amended to read as
2 follows:

3 **279.6 Vacancies — qualification — tenure.**

4 1. a. Vacancies Except as provided in paragraph "b" and
5 subsection 2, vacancies occurring among the officers or members
6 of a school board shall be filled by the board by appointment.
7 A person so appointed to fill a vacancy in an elective office
8 shall hold office until a successor is elected and qualified
9 pursuant to section 69.12. To fill a vacancy occurring among
10 the members of a school board, the board shall publish notice
11 in the manner prescribed by section 279.36, stating that the
12 board intends to fill the vacancy by appointment but that
13 the electors of the school district have the right to file
14 a petition requiring that the vacancy be filled by a special
15 election conducted pursuant to section 279.7. The board may
16 publish notice in advance if a member of the board submits a
17 resignation to take effect at a future date. The board may
18 make an appointment to fill the vacancy after the notice is
19 published or after the vacancy occurs, whichever is later.

20 b. (1) If within fourteen days after publication of a
21 notice required pursuant to paragraph "a" for a vacancy that
22 occurs more than one hundred eighty days before the next
23 regular school election, or within fourteen days after the
24 appointment is made, there is filed with the secretary of the
25 school board a petition requesting a special election to fill
26 the vacancy, an appointment to fill the vacancy is temporary
27 and the board shall call a special election pursuant to section
28 279.7, to fill the vacancy for the remaining balance of the
29 unexpired term.

30 (2) If within fourteen days after publication of a notice
31 required pursuant to paragraph "a" for a vacancy that occurs
32 one hundred eighty days or less before the next regular school
33 election, or within fourteen days after the appointment is
34 made, there is filed with the secretary of the school board
35 a petition requesting to fill the vacancy by election, an

1 appointment to fill the vacancy is temporary and the school
2 board shall require that the remaining balance of the unexpired
3 term be filled at the next regular school election.

4 (3) For a petition to be valid under this paragraph "b", the
5 petition must be signed by eligible electors equal in number
6 to not less than one hundred or thirty percent of the number of
7 voters at the last preceding regular school election, whichever
8 is greater.

9 (4) Notwithstanding any requirement of this paragraph to
10 the contrary, when the board is reduced below a quorum, the
11 secretary of the board, or if there is no secretary, the area
12 education agency administrator, shall call a special election
13 in the district, subdistrict, or subdistricts, as the case may
14 be, to fill the vacancies.

15 c. A person appointed to fill a vacancy in an appointive
16 office shall hold such office for the residue of the unexpired
17 term and until a successor is appointed and qualified. Any
18 person so appointed shall qualify within ten days thereafter in
19 the manner required by section 277.28.

20 2. A vacancy shall be filled at the next regular school
21 election if a member of a school board resigns from the board
22 not later than forty-five days before the election and the
23 notice of resignation specifies an effective date at the
24 beginning of the next term of office for elective school
25 officials. The president of the board shall declare the office
26 vacant as of the date of the next organizational meeting.

27 Nomination papers shall be received for the unexpired term of
28 the resigning member. The person elected at the next regular
29 school election to fill the vacancy shall take office at the
30 same time and place as the other elected school board members.

31 Sec. 2. Section 279.7, subsection 1, Code 2015, is amended
32 to read as follows:

33 1. If a vacancy or vacancies occur among the elective
34 officers or members of a school board and the remaining
35 members of the board have not filled the vacancy within thirty

1 days after the vacancy becomes known by the secretary or the
2 board or if a valid petition is submitted to the secretary
3 of the board pursuant to section 279.6, subsection 1, or
4 when the board is reduced below a quorum, the secretary of
5 the board, or if there is no secretary, the area education
6 agency administrator, shall call a special election in the
7 district, subdistrict, or subdistricts, as the case may be,
8 to fill the vacancy or vacancies. The county commissioner of
9 elections shall publish the notices required by law for special
10 elections, and the election shall be held not sooner than
11 thirty days nor later than forty days after the thirtieth day
12 following the day the vacancy becomes known by the secretary or
13 the board. If the secretary fails for more than three days to
14 call an election, the administrator shall call it.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to the filling of school district board
19 vacancies.

20 The bill maintains current law for the filling of a vacancy
21 that occurs not later than 45 days before a regular school
22 election. The bill also maintains current law requiring that
23 the school board fill all other vacancies occurring among the
24 officers and members of the school board by appointment.

25 The bill requires that the board publish notice of the intent
26 of the board to fill a vacancy among the members of a school
27 board by appointment, but that the electors of the school
28 district have the right to file a petition requiring that the
29 vacancy be filled by a special election. The bill allows the
30 board to publish the notice in advance of a vacancy if the
31 officer or member of the board submits a resignation that will
32 take effect at a future date. The bill allows the board to
33 make an appointment after the notice is published or after the
34 vacancy occurs, whichever is later. The bill provides that the
35 appointment is considered temporary if a valid petition to call

1 a special election is filed with the secretary of the school
2 board within 14 days after publication of the notice or within
3 14 days after the appointment is made.

4 The bill provides that a valid petition must be signed by
5 at least 100 eligible electors or eligible electors equaling
6 at least 30 percent of the number of voters at the preceding
7 regular school election, whichever is greater.

8 The bill requires that a special election be called by the
9 school board upon the filing of a valid petition for a vacancy
10 that occurs more than 180 days before the next regular school
11 election. The special election shall be held in accordance
12 with requirements under current law for filling school district
13 board vacancies. The bill requires that a school district
14 fill such a vacancy at the next regular school election if a
15 valid petition is filed for a vacancy that occurs 180 days or
16 less before the next regular school election. If the board
17 is reduced below a quorum, the secretary of the board, or if
18 there is no secretary, the area education agency administrator,
19 shall call a special election in the district, subdistrict, or
20 subdistricts, as the case may be, to fill the vacancies.