

# CHAPTER 274

## SCHOOL DISTRICTS IN GENERAL

Referred to in §27.1, 28E.42, 99B.1, 257.2, 257C.3

	GENERAL PROVISIONS	274.37	Boundaries changed by action of boards — buildings constructed.
274.1	Powers and jurisdiction.		
274.2	General applicability.	274.38	Study of boundary changes requested.
274.3	Exercise of powers — construction.		
274.4	Record of reorganization filed.		
274.5	Action to test reorganization.		NATIONAL DEFENSE PROJECTS
274.6	Names.	274.39	Sale of land to government.
274.7	Directors.	274.40	Vesting of powers to convey.
274.8	through 274.12 Reserved.	274.41	Application of proceeds of sale.
274.13	Attaching territory to adjoining corporation.	274.42	Adjusting of district boundaries.
274.14	Restoration.	274.43	Relinquishing funds.
274.15	through 274.36 Reserved.	274.44	Determination final.
		274.45	Expense audited and paid.

### GENERAL PROVISIONS

#### 274.1 Powers and jurisdiction.

Each school district shall continue a body politic as a school corporation, unless changed as provided by law, and as such may sue and be sued, hold property, and exercise all the powers granted by law, and shall have exclusive jurisdiction in all school matters over the territory therein contained.

[C51, §1108; R60, §2022, 2026; C73, §1713, 1716; C97, §2743; C24, 27, 31, 35, 39, §4123; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.1]

Right to bid under execution sale, §569.2

#### 274.2 General applicability.

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

[C97, §2823; C24, 27, 31, 35, §4190; C39, §4123.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.2]

Vote required to authorize bonds, §75.1

#### 274.3 Exercise of powers — construction.

1. The board of directors of a school district shall operate, control, and supervise all public schools located within its district boundaries and may exercise any broad and implied power, not inconsistent with the laws of the general assembly and administrative rules adopted by state agencies pursuant thereto, related to the operation, control, and supervision of those public schools.

2. Notwithstanding subsection 1, the board of directors of a school district shall not have power to do any of the following:

a. Levy any tax unless expressly authorized by the general assembly.

b. Charge elementary and secondary school students or the students' families a mandatory fee except as expressly authorized by the general assembly.

c. Adopt or enforce a policy that would unreasonably interfere with the duties and responsibilities of a local, state, or federal law enforcement agency.

3. This chapter, chapter 257, chapter 257B, and chapters 275 through 301, and other

statutes relating to the boards of directors of school districts and to school districts shall be liberally construed to effectuate the purposes of [subsection 1](#).

4. If the power or authority of a school district conflicts with the power and authority of a municipal corporation, county, or joint county-municipal corporation government, the power and authority exercised by a municipal corporation, county, or joint county-municipal corporation government shall prevail within its jurisdiction.

[2017 Acts, ch 125, §1](#)

NEW section

#### **274.4 Record of reorganization filed.**

When an election on the proposition of organizing, reorganizing, enlarging, or changing the boundaries of any school corporation, or on the proposition of dissolving a school district, carries by the required statutory margin, or the boundary lines of contiguous school corporations are changed by the concurrent action of the respective boards of directors, the secretary of the school corporation shall file a written description of the new boundaries of the school corporation in the office of the county auditor of each county in which any portion of the school corporation lies.

[C24, 27, 31, 35, §4193; C39, §[4123.4](#); C46, 50, 54, §274.5; C58, 62, 66, 71, 73, 75, 77, 79, 81, §274.4]

Referred to in [§275.22](#)

Section not amended; section history revised

#### **274.5 Action to test reorganization.**

No action shall be brought questioning the legality of the organization, reorganization, enlargement, or change in the boundaries of any school corporation in this state unless brought within six months after the date of the filing of said written description in the office of said county auditor or county auditors. When the said period of limitations shall have passed, it shall be conclusively presumed that all acts and proceedings taken with reference to the said organization, reorganization, enlargement or change in boundaries were legally taken for every purpose whatsoever and that a de jure school corporation exists.

[C24, 27, 31, 35, §4192; C39, §[4123.3](#); C46, 50, 54, §274.4; C58, 62, 66, 71, 73, 75, 77, 79, 81, §274.5]

Section not amended; section history revised

#### **274.6 Names.**

School corporations shall be designated as follows:

1. The independent school district of (naming city, township, or village, and if there are two or more districts therein, including some appropriate name or number), in the county of (naming county), state of Iowa.

2. The consolidated school district of (some appropriate name or number), in the county of (naming county), state of Iowa.

3. The community school district of (some appropriate name), in the county (or counties) of (naming county or counties), state of Iowa.

4. The (some appropriate name) community school district, in the county (or counties) of (naming county or counties), state of Iowa.

[C51, §1108; R60, §2026; C73, §1716; C97, §2744; S13, §2744; C24, 27, 31, 35, 39, §[4124](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.6]

[2017 Acts, ch 54, §39](#)

Referred to in [§278.1](#)

Section amended

#### **274.7 Directors.**

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

[C97, §2745; C24, 27, 31, 35, 39, §[4125](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.7]

[2008 Acts, ch 1115, §10, 21](#)

School officers, §39.24

For transition provisions changing the terms of office for a seat on a board of directors, see 2017 Acts, ch 155, §45

**274.8 through 274.12** Reserved.

**274.13 Attaching territory to adjoining corporation.**

In any case where, by reason of natural obstacles, any portion of the inhabitants of any school corporation in the opinion of the area education agency administrator cannot with reasonable facility attend school in their own corporation, the area education agency administrator shall, by a written order, in duplicate, attach the part thus affected to an adjoining school corporation, the board of the same consenting thereto, one copy of which order shall be at once transmitted to the secretary of each corporation affected thereby, who shall record the same and make the proper designation on the plat of the corporation. Township or county lines shall not be a bar to the operation of [this section](#).

[C73, §1797; C97, §2791; C24, 27, 31, 35, 39, §4131; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.13]

Referred to in [§274.14](#)

**274.14 Restoration.**

When the natural obstacles by reason of which territory has been set off by the area education agency administrator from one school district and attached to another in the same or an adjoining county, as provided in [section 274.13](#), have been removed, such territory may, upon the concurrence of the respective boards, be restored to the school district from which set off and shall be so restored by said boards upon the written application of two-thirds of the electors residing upon the territory so set off together with the concurrence of the area education agency administrator and the board of the school district from which such territory was originally set off by the said administrator.

[C24, 27, 31, 35, 39, §4132; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.14]

**274.15 through 274.36** Reserved.

**274.37 Boundaries changed by action of boards — buildings constructed.**

The boundary lines of contiguous school corporations may be changed by the concurrent action of the respective boards of directors at their regular meetings in July, or at special meetings called for that purpose. Such concurrent action shall be subject to the approval of the area education agency board but such concurrent action shall stand approved if the said board does not disapprove such concurrent action within thirty days following receipt of notice thereof. The corporation from which territory is detached shall, after the change, contain not less than four government sections of land.

The boards in the respective districts, the boundaries of which have been changed under [this section](#), complete in all respects except for the passage of time prior to the effective date of the change, and when the right of appeal of the change has expired, may enter into joint contracts for the construction of buildings for the benefit of the corporations whose boundaries have been changed, using funds accumulated under the physical plant and equipment levy in [section 298.2](#). The district in which the building is to be located may use any funds authorized in accordance with [chapter 75](#). [This section](#) does not permit the changed districts to expend any funds jointly which they are not entitled to expend acting individually.

[C62, 66, 71, 73, 75, 77, 79, 81, §274.37]

[89 Acts, ch 135, §63](#)

Referred to in [§275.22](#)

**274.38 Study of boundary changes requested.**

Any school board may request a study and recommendations of the department of education relative to the adjustment of boundary lines and the recommendations of the department of education shall be submitted to those districts involved within sixty days after the request for such study and recommendations is made but such recommendations shall be advisory only and shall not be binding on the local districts.

[C62, 66, 71, 73, 75, 77, 79, 81, §274.38]

## NATIONAL DEFENSE PROJECTS

**274.39 Sale of land to government.**

Whenever the federal government, or any agency or department thereof shall have heretofore located or shall hereafter locate in any county an ordnance plant or other project which may be deemed desirable for the development of the national defense or for the purpose of flood control, and for the purpose of so locating such plant or project shall have heretofore determined, or shall hereafter determine, that real property and improvements thereon owned by school districts is required, the board of directors of such school districts by resolution is hereby authorized to sell and convey such property at a price and upon terms as may be agreed upon, any such instruments of conveyance to be executed on behalf of such school districts by the president of such district.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.39]

Referred to in [§274.40](#), [274.41](#)

**274.40 Vesting of powers to convey.**

Whenever a majority of the directors of any school district affected as in [section 274.39](#) have moved from such district and have ceased to be residents thereof thereby creating vacancies on the school board and reducing it to less than a quorum, the powers vested by said section in the board of directors shall vest in the area education agency board and the instrument of conveyance shall be executed on behalf of such school district by the president of the area education agency board until an election is called pursuant to [chapter 277](#).

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.40]

Referred to in [§274.41](#), [274.42](#)

**274.41 Application of proceeds of sale.**

The proceeds of the sale of the property of a school district under the authority granted in [sections 274.39](#) and [274.40](#) shall be deposited with the treasurer of the county and applied so far as necessary to the payment of the outstanding indebtedness of such school district.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.41]

**274.42 Adjusting of district boundaries.**

If the federal government, or any agency or department of the federal government locates a project which is desirable for the development of the national defense or for the purpose of flood control, and for the purpose of locating the project determines that certain real property making up a portion of a school district is required, the director of the department of education may by resolution adjust the boundaries of school districts in which the federally owned property is located and the boundaries of adjoining school districts so as to effectively provide for the schooling of children residing within all of the districts. A copy of the resolution shall be promptly filed with the board of directors of the adjoining school district or districts and with the board of directors of the school district in which the federally owned property is located unless the board has been reduced below a quorum in the manner contemplated in [section 274.40](#), in which event the resolution shall be posted in two public places within the altered district.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.42]

[85 Acts, ch 212, §21](#); [86 Acts, ch 1245, §1461](#)

Referred to in [§274.45](#)

**274.43 Relinquishing funds.**

The officers of the altered district shall relinquish to the proper officers of such adjoining district or districts all funds, claims for taxes, credits, and such other personal property in such a manner as the director of the department of education shall direct, which said funds, credits, and personal property shall become the property of such adjoining district or districts as enlarged, to be used as the boards of directors of such districts may direct.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.43]

[85 Acts, ch 212, §21](#)

Referred to in [§274.45](#)

**274.44 Determination final.**

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

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.44]

[85 Acts, ch 212, §21](#)

Referred to in [§274.45](#)

**274.45 Expense audited and paid.**

The expense of the director of the department of education in respect to the carrying out of the provisions of [sections 274.42 to 274.44](#), shall be paid from funds appropriated to the department of education.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.45]

[85 Acts, ch 212, §21](#)