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HOUSE FILE 2359

Place On Calendar

BY COMMITTEE ON EDUCATION

(Formerly Study Bill 447)

Passed House, Date 3-28-78 (p 1205) Passed Senate, Date _____

Vote: Ayes 74 Nays 21 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to reorganization procedures for school
2 districts.

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

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1 Section 1. Section two hundred fifty-seven point twenty-
2 five (257.25), subsection eleven (11), unnumbered paragraph
3 one (1), Code 1977, is amended to read as follows:

4 The state board of public instruction shall remove for
5 cause, after due investigation and notice, any school or
6 school district from the approved list which fails to comply
7 with such approval standards and rules in the manner prescribed
8 in this subsection. The state board shall allow a reasonable
9 period of time after notification of noncompliance, not to
10 exceed the following school year, for compliance with such
11 approval standards and rules. ~~if-the-school-or-school-district~~
12 ~~is-making-a-good-faith-effort-and-substantial-progress-toward~~
13 ~~full-compliance-and-if-the-failure-to-comply-is-due-to-factors~~
14 ~~beyond-the-control-of-the-board-of-directors-or-governing~~
15 ~~body-of-such-school-or-school-district-additional-time-may~~
16 ~~be-granted---in-allowing-such-time-for-compliance--the-board~~
17 ~~shall-follow-consistent-policies--taking-into-account-the~~
18 ~~circumstances-of-each-case---The-reasonable-period-of-time~~
19 ~~for-compliance-shall-not-exceed-the-one-year-notice-requirement~~
20 ~~of-subsection-12-~~

21 Sec. 2. Section two hundred seventy-five point one (275.1),
22 Code 1977, is amended to read as follows:

23 275.1 DECLARATION OF POLICY--SURVEYS. It is declared
24 to be the policy of the state to encourage ~~the-reorganization~~
25 ~~of-school-districts-into-such-units-as-are-necessary,~~
26 economical and efficient and school districts which will
27 insure an equal educational opportunity to all children of
28 the state. All area areas of the state shall be in school
29 districts maintaining twelve grades. If any school district
30 ceases to maintain twelve grades, it shall ~~merge-with-a~~
31 ~~contiguous-school-district~~ reorganize within six months or
32 the state board shall attach the school district not
33 maintaining twelve grades to a ~~contiguous~~ another district.
34 Voluntary reorganizations under this chapter shall be commenced
35 only if the affected school districts are contiguous to one

1 another. A reorganized district shall meet the requirements
2 of section two hundred seventy-five point three (275.3) of
3 the Code.

4 If a district is attached, division of assets and
5 liabilities shall be made as provided in sections 275.29 to
6 275.31. The area education agency boards ~~may initiate~~ shall
7 develop detailed studies and surveys of the school districts
8 within the area education agency and adjacent territory for
9 the purpose of ~~promoting~~ providing for reorganization of
10 school districts in order to effect more economical operation
11 and the attainment of higher standards of education in the
12 schools. The plans shall be revised periodically to reflect
13 reorganizations which may have taken place in the area educa-
14 tion agency and adjacent territory.

15 Sec. 3. Section two hundred seventy-five point two (275.2),
16 Code 1977, is amended to read as follows:

17 275.2 SCOPE OF SURVEYS. The scope of such studies and
18 surveys shall include the following matters in the various
19 districts in the ~~county~~ area education agency: The adequacy
20 of the educational program, average daily attendance of pupils,
21 property valuations, existing buildings and equipment, natural
22 community areas, road conditions, transportation, economic
23 factors, individual attention given to the needs of students,
24 the opportunity of students to participate in a wide variety
25 of activities related to the total development of the student,
26 and such other matters that may bear on educational programs
27 meeting minimum standards required by law.

28 Sec. 4. Section two hundred seventy-five point three
29 (275.3), Code 1977, is amended to read as follows:

30 275.3 MINIMUM STANDARDS. No new school district shall
31 be planned by an area education agency board nor shall any
32 proposal for creation or enlargement of any school district
33 be approved by an area education agency board or submitted
34 to electors unless there reside within the proposed limits
35 of such district at least three hundred persons of school

1 age who were enrolled in public schools in the preceding
2 school year. Provided, however, that the state superintendent
3 of public instruction shall have authority to grant permission
4 to an area education agency board to approve the formation
5 or enlargement of a school district containing a lower school
6 population enrollment than ~~above-provided~~ required in this
7 section on the written request of such area education agency
8 board if such request is accompanied by evidence tending to
9 show that sparsity of population, natural barriers or other
10 good reason makes it impracticable to meet ~~said~~ the school
11 population enrollment requirement.

12 Sec. 5. Section two hundred seventy-five point four
13 (275.4), unnumbered paragraph one (1), Code 1977, is amended
14 to read as follows:

15 In ~~making-any~~ developing studies and surveys the area
16 education agency board shall consult with the officials of
17 affected districts and other citizens, and shall from time
18 to time hold public hearings, and may employ such research
19 and other assistance as it may determine reasonably necessary
20 in order to properly carry on its survey and prepare definite
21 plans of reorganization.

22 Sec. 6. Section two hundred seventy-five point four
23 (275.4), unnumbered paragraph two (2), Code 1977, is amended
24 by striking the paragraph and inserting in lieu thereof the
25 following:

26 In addition, the area education agency board shall con-
27 sult with the superintendent of public instruction in the
28 development of surveys and plans. The superintendent of
29 public instruction shall provide assistance to the area
30 education agency boards as requested and shall advise the
31 area education agency boards concerning plans of contiguous
32 area education agencies and the reorganization policies adopted
33 by the state board of public instruction.

34 Completed plans shall be transmitted by the area educa-
35 tion agency board to the superintendent of public instruc-

1 tion.

2 Sec. 7. Section two hundred seventy-five point five
3 (275.5), Code 1977, is amended by striking the section and
4 inserting in lieu thereof the following:

5 275.5 PROPOSALS FOR MERGER OR CONSOLIDATION. Any proposal
6 for merger, consolidation, or boundary change of local school
7 districts shall first be submitted to the area education
8 agency board following the procedure prescribed in this chap-
9 ter. Following receipt of a petition pursuant to section
10 two hundred seventy-five point twelve (275.12) of the Code,
11 the area education agency board shall review its plans and
12 determine whether the petition complies with the plans which
13 had been adopted by the board. If the petition does not com-
14 ply with the plans which had been adopted by the board, the
15 board shall conduct further surveys pursuant to section two
16 hundred seventy-five point four (275.4) of the Code prior
17 to the date set for the hearing upon the petition.

18 Sec. 8. Section two hundred seventy-five point eight
19 (275.8), unnumbered paragraph one (1) and subsection two (2),
20 Code 1977, are amended to read as follows:

21 275.8 CO-OPERATION OF STATE DEPARTMENT--PLANNING JOINT
22 ~~DISTRICTS. The-state-department-of-public-instruction-shall~~
23 ~~co-operate-with-the-several-area-education-agency-boards-in~~
24 ~~making-studies-and-surveys-~~ Planning of joint districts shall
25 be conducted in the same manner as planning for single
26 districts, except as provided in this section. In the case
27 of controversy over the planning of joint districts, the
28 matter shall be submitted to the state board of public
29 instruction ~~judicial~~. Judicial review of and its decision
30 may be sought in accordance with the terms of the Iowa
31 administrative procedure Act. Notwithstanding the terms of
32 said Act, petitions for judicial review must be filed within
33 thirty days after the decision of the state board of public
34 instruction. Joint districts shall mean districts that lie
35 in two or more adjacent area education agencies.

1 2. Adoption of such plan at a joint session of the several
2 area education agency boards in whose areas such territory
3 is situated. Votes of each member of an area education agency
4 board shall be weighted so that the total number of votes
5 eligible to be cast by members of each board shall be equal.

6 Sec. 9. Section two hundred seventy-five point fourteen
7 (275.14), Code 1977, is amended to read as follows:

8 275.14 OBJECTION--TIME OF FILING--NOTICE. Within ten
9 days after the petition is filed, the area education agency
10 administrator shall fix a final date for filing objections
11 to the petition which shall be not more than sixty days after
12 the petition is filed and shall fix the date for a hearing
13 on the objections to the petition. Objections shall be filed
14 in the office of the administrator, and who shall give notice
15 for at least ten days prior to the final day for filing objec-
16 tions, by one publication in a newspaper published within
17 the territory described in the petition, or if none is
18 published therein, in a newspaper published in the county
19 where the petition is filed, and of general circulation in
20 the territory described. The notice shall also list the date,
21 time, and location for the hearing on the petition as provided
22 in section two hundred seventy-five point fifteen (275.15)
23 of the Code. The cost of publication shall be assessed to
24 each district whose territory is involved in the ratio that
25 the number of pupils in basic enrollment, as defined in section
26 442.4 in each district bears to the total number of pupils
27 in basic enrollment in the total area involved. Objections
28 shall be in writing in the form of an affidavit and may be
29 made by any person residing or owning land within the territory
30 described in the petition, or who would be injuriously affected
31 by the change petitioned for and shall be on file not later
32 than twelve o'clock noon of the final day fixed for filing
33 objections.

34 Sec. 10. Section two hundred seventy-five point fifteen
35 (275.15), Code 1977, is amended to read as follows:

1 275.15 HEARING--DECISION--PUBLICATION OF ORDER. ~~On the~~
2 ~~final day fixed for filing objections~~ At the hearing, which
3 shall be held within ten days of the final date set for filing
4 objections, interested parties, both petitioners and objectors,
5 may present evidence and arguments, and the area education
6 agency board shall review the matter on its merits and within
7 five days after the conclusion of any hearing, shall rule
8 on the objections and shall enter an order fixing such
9 boundaries for the proposed school corporation as will in
10 its judgment be for the best interests of all parties
11 concerned, having due regard for the welfare of adjoining
12 districts or dismiss the petition. The area education agency
13 board, when entering the order fixing the boundaries, shall
14 consider requests for boundary line changes of property owners
15 who reside on property adjacent to the proposed boundary
16 lines. The agency administrator shall at once publish this
17 order in the same newspaper in which the original notice was
18 published. Within twenty days after the publication thereof
19 the decision rendered by the area education agency board may
20 be appealed to the district court in the county involved by
21 any school district affected. For purposes of appeal, only
22 those school districts who filed reorganization petitions
23 are school districts affected.

24 Sec. 11. Section two hundred seventy-five point sixteen
25 (275.16), unnumbered paragraph one (1), Code 1977, is amended
26 to read as follows:

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

1 constitute a quorum. The joint boards acting as a single
2 board shall determine whether the petition conforms to plans
3 or, if the petition requests a change in plans, whether such
4 change should be made, and shall have the authority to change
5 the plans of any or all the area education agency boards
6 affected by the petition, and it shall determine and fix
7 boundaries for the proposed corporation as provided in section
8 275.15 or dismiss the petition. Votes of each member of an
9 area education agency board shall be weighted so that the
10 total number of votes eligible to be cast by members of each
11 board shall be equal. However, if such joint boards cast
12 a tie vote and are unable to agree to an order fixing the
13 boundaries for the proposed school district or to an order
14 to dismiss the petition, the time during which such actions
15 must be taken under the provisions of section 275.15 shall
16 be extended from five days to fifteen days after the conclusion
17 of the hearing under the provisions of section 275.15, and
18 such joint board shall reconvene not less than ten and not
19 more than fifteen days after the conclusion of such hearing.
20 At such hearing the joint board shall reconsider their action
21 and if a tie vote shall again be cast it shall be deemed an
22 order granting the petition and changing the plans of any
23 and all of the agency boards affected by the petition and
24 fixing the boundaries for the proposed school corporation.
25 The agency administrator shall at once publish the decision
26 in the same newspaper in which the original notice was
27 published.

28 Sec. 12. Chapter two hundred seventy-five (275), Code
29 1977, is amended by inserting the following new section after
30 section two hundred seventy-five point sixteen (275.16) of
31 the Code.

32 NEW SECTION. REFILING A PETITION. If an area education
33 agency board does not approve the change in boundaries of
34 school districts in accordance with a petition, an identical
35 petition shall not be refiled for a period of six months fol-

1 lowing the date of the hearing or the vote of the board,
2 whichever is later.

3 Sec. 13. Section two hundred seventy-five point eighteen
4 (275.18), Code 1977, is amended to read as follows:

5 275.18 SPECIAL ELECTION CALLED--TIME. When the boundaries
6 of the territory to be included in a proposed school
7 corporation and the number and method of the election of the
8 school directors of such proposed school corporation have
9 been determined as herein provided, the area education agency
10 administrator with whom such petition is filed shall call
11 a special election in such proposed school corporation within
12 thirty days from the date of the final determination of such
13 boundaries, but no later than December thirty-first, and serve
14 notice on the county commissioner of elections of the county
15 in the proposed school corporation which has the greatest
16 taxable base in the proposed school corporation. The county
17 commissioner of elections shall give notice of the election
18 by one publication in the same newspaper in which previous
19 notices have been published regarding the proposed school
20 reorganization, and in addition thereto, if more than one
21 county is involved, by one publication in a legal newspaper
22 in each county other than that of the first publication, which
23 publication shall be not less than four nor more than twenty
24 days prior to the election. In the case of districts located
25 in more than one county, no notice for an election shall be
26 published until the time for appeal, which shall be the same
27 as that provided in section 285.12, has expired; and in the
28 event of an appeal, not until the same has been disposed of.

29 Sec. 14. Section two hundred seventy-five point twenty
30 (275.20), Code 1977, is amended to read as follows:

31 275.20 SEPARATE VOTE IN EXISTING DISTRICTS. The voters
32 shall vote separately in each existing school district affected
33 ex-portion-thereof and voters residing in the entire existing
34 district are eligible to vote upon the proposition to create
35 such new school corporation. ~~School-districts-affected-ex~~

1 portion thereof shall be defined to mean that area included
 2 within the boundaries of the proposed new school corporation,
 3 except that where a portion of an existing school district
 4 operating a high school, or rural independent school district
 5 of eight sections or more operating a school formed prior
 6 to May 10, 1957, is included within the boundaries of the
 7 proposed new school corporation, that affected school district
 8 shall be defined as that existing district within and without
 9 the proposed new school corporation, and in such districts
 10 the entire district shall vote. If the proposition receives
 11 a majority of the votes cast in each of at least seventy-five
 12 percent of the said districts, and also a majority of the
 13 total number of votes cast in all of said districts, the
 14 proposition shall be deemed carried. Provided, however, that
 15 if two or more of the school districts affected have a resident
 16 average daily attendance in public schools of three hundred
 17 or more pupils who were enrolled in public schools in the
 18 preceding school year, the proposition must also receive a
 19 majority of the votes cast in each of said districts in order
 20 to be deemed carried, and in such districts the entire existing
 21 district shall vote.

22 Sec. 15. Section two hundred seventy-five point twenty-
 23 five (275.25), Code 1977, is amended to read as follows:

24 275.25 ELECTION OF DIRECTORS. If the proposition to
 25 establish a new corporation carries under the method
 26 hereinabove provided a special election shall be called by
 27 the area education agency administrator. The administrator
 28 shall notify the county commissioner of elections who shall
 29 publish notice by one publication in the same newspaper in
 30 which the former notices were published. At such , the board
 31 of the reorganized district shall consist of the members of
 32 the boards of the districts involved in the reorganization
 33 who are residents of the reorganized district until their
 34 successors are elected at the second regular school election
 35 held thereafter. Terms of office of such members shall be

1 extended beyond their expiration to the organizational meeting
2 after the second regular school election held thereafter.
3 Vacancies occurring on the board during the period shall be
4 filled by appointment by the remaining members.

5 At the next succeeding regular school election, two
6 directors shall be elected to serve until the next regular
7 election, two until the second, and one until the third regular
8 election thereafter, except in districts which include all
9 or part of a city of fifteen thousand or more population and
10 in districts in which the proposition to establish a new
11 corporation provides for seven directors, three directors
12 shall be elected to serve until the third regular election
13 thereafter, all of whom to serve until such time as their
14 successors are elected and qualified. Provided, however,
15 that in all community school districts which include a city
16 of fifteen thousand or more population and which became
17 effective prior to July 4, 1955, and in all community school
18 districts containing a city which has attained a population
19 of fifteen thousand or more as shown by the most recent
20 decennial federal census, the board of directors shall consist
21 of seven members. Where it becomes necessary to increase
22 the membership of any such board under the provisions hereof,
23 two directors shall be added according to the procedure
24 described in section 277.23. The county board of supervisors
25 shall canvass the votes and the county commissioner of
26 elections report the results to the area education agency
27 administrator who shall notify the persons who are elected
28 directors. ~~The new board shall organize within fifteen days~~
29 ~~following their election upon call of the administrator.~~
30 ~~The new board of directors shall have complete control of~~
31 ~~the employment of all personnel for the newly formed community~~
32 ~~school district for the ensuing school year. Following the~~
33 ~~organization of the new board they shall have authority to~~
34 ~~establish policy, organize curriculum, enter into contracts~~
35 ~~and complete such other planning and take such action as is~~

1 essential-for-the-efficient-management-of-the-newly-formed
2 community-school-district.

3 Provided, however, in cases involving two districts only,
4 where the population of the new district does not exceed the
5 population of the more populous of said districts by more
6 than twenty-five percent, the incumbent board members of said
7 more populous district shall continue to hold office as the
8 directors of the new district for the remainder of their

9 elective terms. Section 49.8, subsection 4 shall not be
10 construed to permit a director to remain on the board of any
11 school district after the effective date of a boundary change
12 which places the director's residence outside the boundaries
13 of the district. Vacancies so caused on any board shall be
14 filled in the manner provided in sections 279.6 and 279.7.

15 Sec. 16. Section two hundred seventy-five point thirty-
16 three (275.33), Code 1977, is amended to read as follows:

17 275.33 CONTRACTS NOT AFFECTED.

18 1. The terms of employment of superintendents, principals,
19 and teachers, for ~~any current~~ the school year following the
20 effective date of the formation of the new district shall
21 not be affected by the formation of the new district, except
22 in accordance with the provisions of sections two hundred
23 seventy-nine point fifteen (279.15) through two hundred
24 seventy-nine point eighteen (279.18) and two hundred seventy-
25 nine point twenty-four (279.24) of the Code.

26 2. The collective bargaining agreement of the district
27 with the largest basic enrollment, as defined in section four
28 hundred forty-two point four (442.4) of the Code, in the new
29 district shall continue in full force and effect until a
30 successor agreement is negotiated and the employees of the
31 other districts involved in the formation of the new district
32 shall automatically be accreted to the bargaining unit of
33 that collective bargaining agreement without further action
34 by the public employment relations board. If only one
35 collective bargaining agreement is in effect among the

1 districts which are party to the reorganization, then that
2 agreement shall continue in full force and effect until a
3 successor agreement is negotiated, and the employees of the
4 other districts involved in the formation of the new district
5 shall automatically be accreted to the bargaining unit of
6 that collective bargaining agreement without further action
7 by the public employment relations board.

8 Sec. 17. Chapter two hundred seventy-five (275), Code
9 1977, is amended by adding the following new section:

10 NEW SECTION. ALTERNATIVE METHOD FOR ELECTION OF DIRECTORS.

11 1. As an alternative to the method specified in section
12 two hundred seventy-five point twenty-five (275.25) of the
13 Code for electing directors in a newly-formed community school
14 district, the procedure specified in this section may be used.

15 2. The boards of the old school district with the largest
16 population involved in the merger shall designate four
17 directors to be retained as members of the board of the newly-
18 formed district. Other school districts involved in the
19 merger shall each be allowed to retain directors in proportion
20 to the ratio that the population of the former school district
21 bears to the most populous district involved in the merger,
22 except that no district involved in the merger shall retain
23 less than one director.

24 3. If the procedure in subsection two (2) of this section
25 results in four members being retained from the largest
26 district involved in the merger and only a single member from
27 the other district involved in the merger, the reorganization
28 petition may specify that the distribution of the board members
29 who are retained from the districts involved in the merger
30 be five to one, five to two, or six to one.

31 4. If the total number of directors determined under sub-
32 section two (2) or three (3) of this section is an odd number,
33 the board of the district with the largest population shall
34 designate the term of office of one of the members who is
35 retained to commence at the organizational meeting of the

1 board of the newly-formed district and to end at the
2 organizational meeting following the fourth regular school
3 election held thereafter in the manner specified in the
4 reorganization petition.

5 If the total number of directors determined under subsection
6 two (2) or three (3) of this section is an even number, that
7 number of directors shall function until a special election
8 can be held, at which time an additional director shall be
9 elected to a term from the newly-formed district ending at
10 the organizational meeting following the fourth regular school
11 election held thereafter. The procedure for calling the
12 special election shall be the procedure specified in section
13 two hundred seventy-five point twenty-five (275.25) of the
14 Code.

15 5. The boards of directors of other school districts which
16 are involved in the merger which have three or more directors
17 who are retained, shall each designate two of the directors
18 who are retained to serve terms that expire at the
19 organizational meeting following the second regular school
20 election held thereafter. All other directors who are retained
21 shall serve terms that expire at the organizational meeting
22 following the third regular school election held thereafter.

23 6. At the second regular school election held after the
24 effective date of the merger, the two vacancies which will
25 occur on the board shall be filled in a manner specified in
26 the reorganization petition.

27 7. At the third regular school election held after the
28 effective date of merger, if a five-member board is specified
29 in the reorganization petition, two directors shall be elected
30 in the manner specified in the reorganization petition and
31 if a seven-member board is specified in the reorganization
32 petition, four directors shall be elected, two for one-year
33 terms and two for three-year terms, in the manner specified
34 in the reorganization petition.

35 8. The board of the newly-formed district shall organize

1 within forty-five days after the approval of the merger upon
2 the call of the area education agency administrator. The
3 new board shall have control of the employment of all personnel
4 for the newly-formed district for the ensuing school year.
5 Following the organization of the new board the board shall
6 have authority to establish policy, organize curriculum, enter
7 into contracts and complete such planning and take such action
8 as is essential for the efficient management of the newly-
9 formed community school district.

10 Section forty-nine point eight (49.8), subsection four
11 (4), of the Code shall not permit a director to remain on
12 the board of a school district after the effective date of
13 a boundary change which places the director's residence outside
14 the boundaries of the district. Vacancies so caused on any
15 board shall be filled in the manner provided in sections two
16 hundred seventy-nine point six (279.6) and two hundred seventy-
17 nine point seven (279.7) of the Code.

18 Sec. 18. Section two hundred eighty point fifteen (280.15),
19 Code 1977, is amended to read as follows:

20 280.15 JOINT EMPLOYMENT AND SHARING. Any two or more
21 public school districts may jointly employ and share the
22 services of any school personnel, or acquire and share the
23 use of classrooms, laboratories, equipment and facilities.
24 Classes made available to students in the manner provided
25 in this section shall be considered as complying with the
26 requirements of section two hundred seventy-five point one
27 (275.1) of the Code relating to the maintenance of twelve
28 grades by a school district.

29 Sec. 19. Chapter two hundred ninety-seven (297), Code
30 1977, is amended by adding the following new section:

31 NEW SECTION. Before an election is held on the issuance
32 of general obligation bonds for the construction or renovation
33 of any school building, the board shall inform the board of
34 the area education agency in which the school district is
35 located. The chairperson of the area education agency shall

1 call a meeting of the boards of directors of the school
2 district proposing the issuance of general obligation bonds,
3 the boards of school districts contiguous to that school
4 district, and the board of the area education agency, for
5 the purpose of discussing enrollment trends of that school
6 district and school districts contiguous to it and solutions
7 to the enrollment changes in the various school districts,
8 including the possibility of school district reorganization.
9 The chairperson of the board of the area education agency
10 shall preside at the meeting unless the chairperson is a
11 resident of the school district proposing the issuance of
12 general obligation bonds. In that case, the vice chairperson
13 shall preside at the meeting.

14 Following discussion at the meeting, the board of directors
15 of the area education agency shall meet to make recommendations
16 concerning alternative solutions to the construction or
17 renovation of the school building which shall be made to the
18 school district proposing to issue general obligation bonds.

19 The school district shall consider the recommendations
20 of the board of the area education agency before setting a
21 date for the election to authorize the issuance of general
22 obligation bonds.

23 EXPLANATION

24 This bill deletes the option of the state board of public
25 instruction to allow additional time for school districts
26 making a good faith effort to comply with approval standards
27 before commencing reorganization of the district.

28 The bill revises and clarifies the procedure for school
29 district reorganization. It changes the procedure for action
30 on a reorganization petition so that the hearing does not
31 have to be held on the same day as the final day for filing
32 objections and allows objections to be filed up to sixty days
33 after a petition is filed. It provides that when two or more
34 area education agencies are discussing the formation of a
35 school district which includes territory in more than one

1 area education agency, the total votes of each board will
2 be equal. It requires the A.E.A. board to consider the
3 wishes of property owners who reside along the boundary lines
4 of proposed districts. It provides that for the first year
5 of existence of a reorganized district, the board will consist
6 of all of the resident members of the boards of the constituent
7 districts.

8 The bill requires that special elections for school district
9 reorganizations be held no later than December thirty-first.
10 It provides that the collective bargaining agreement of the
11 district with the largest enrollment will continue in effect
12 until a successor agreement for the reorganized district is
13 negotiated and the employees of the reorganized district will
14 be included in the bargaining unit of that agreement. It
15 also provides that if only one collective bargaining agreement
16 is in effect, the employees of the reorganized district will
17 be included in the bargaining unit of that agreement.

18 It provides an optional method for electing board members.

19 It provides that districts which jointly employ personnel
20 for classes meet the twelve-grade requirements for school
21 districts.

22 It prohibits an election for the issuance of bonds for
23 construction of new school buildings in a district until after
24 a meeting with the boards of contiguous districts and the
25 area education agency to discuss alternatives to the
26 construction, including the possibility of reorganization.

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FISCAL NOTE
HOUSE FILE 2359

Requested by Representative Thompson
March 22, 1978

In compliance with a written request there is submitted a Fiscal Note for H.F. 2359, pursuant to Joint Rule 16:

House File 2359, An Act relating to reorganization procedures for school districts.

The cost estimates for this bill are submitted within the framework outlined below:

1. The AEA staff, as they now exist, will be responsible for conducting the study.
2. No cost of the study committees and hearings involving local school districts or local citizens has been projected.
3. No costs of material used in research, printing, assimilation, production or distribution has been estimated.

Costs of AEA's in implementing the proposed House File 2359 are estimated on the basis of AEA personnel costs and on estimates for contracted services.

<u>Survey Areas</u>	<u>Source</u>	<u>Estimated Cost of Obtaining Survey Data</u>	
		<u>Per AEA</u>	<u>Total</u>
1. Adequacy of Program	*S.E.P.-DPI	\$ 1,000	\$ 15,000
2. Aver. Daily Attendance		-0-	-0-
	Adm. & Fin.-DPI	-0-	-0-
3. Property Valuations	Adm & Fin.-DPI	-0-	-0-
4. Existing Equipment	S.E.P.-DPI		
	Univ. of Iowa		
5. Road Conditions	Univ. of Iowa	15,000	225,000
6. Transportation	Univ. of Iowa		
7. Economic Factors	S.E.P.-DPI	3,000	45,000
8. Natural Community Areas	I.S.U.	Unknown	Unknown
9. Needs of Students		Unknown	Unknown
10. Other		Unknown	Unknown
		\$19,000	<u>\$285,000</u>

*State Equalization Project

Source: Department of Public Instruction

FILED
APRIL 19, 1978

GERRY D. RANKIN
LEGISLATIVE FISCAL BUREAU

H-5783

1 Amend House File 2359 as follows:

2 1. Page 15, by inserting after line 22 the
3 following section:

4 "Sec. ____ . LEGISLATIVE STUDY. The legislative
5 council is directed to appoint an interim study
6 committee to conduct a comprehensive study of the
7 following: The advisability of establishing adequate
8 performance on standardized minimal competency tests
9 as a criteria for graduation from high schools; the
10 advisability of requiring standardized tests at certain
11 critical points in a student's school career, as for
12 example, upon entrance to first, fifth, seventh, or
13 ninth grades; the feasibility and cost of offering
14 remedial programs shown to be needed by such periodic
15 testing; the general content of standardized tests;
16 the feasibility of using the results of standardized
17 tests as one indicator of the presence or absence
18 of equal educational opportunity; and any advantages
19 or disadvantages such tests would provide individual
20 school districts in judging the effectiveness of their
21 own programs. The study committee may request
22 assistance from the department of public instruction
23 and other educational agencies.

24 The interim study committee shall consist of the
25 following members: The chairpersons and minority
26 ranking members of the house and senate committees
27 on education, one member of the house committee on
28 education, one member of the senate committee on
29 education, one school administrator appointed by the
30 governing board of the Iowa association of school
31 administrators, one teacher appointed by the governing
32 board of the Iowa state education association, one
33 school board member appointed by the Iowa association
34 of school boards; three persons appointed by the
35 legislative council who are parents of public school
36 students, one of whom is a resident of a school
37 district of more than five thousand enrollment, one
38 of whom is a resident of a school district of from
39 five hundred to four thousand nine hundred ninety-
40 nine enrollment, and one of whom is a resident of
41 a school district of less than five hundred enrollment;
42 and one person who possesses expertise in the area
43 of educational testing and measurement who is appointed
44 by the legislative council.

45 The interim study committee shall make a report
46 of its recommendations accompanied by legislative
47 bill drafts to implement its recommendations, which
48 drafts the committee may recommend and which shall
49 be filed by the legislative members as study bills
50 with the appropriate standing committee."

H-5783

Page 2

1 2. By numbering and renumbering sections as
2 necessary.

HOUSE FILE 2359

H-5780

1 Amend House File 2359 as follows:

2 1. Page 12, line 16, by striking the word
3 "population" and inserting in lieu thereof the
4 word "enrollment".

5 1. Page 12, by striking lines 20 through 22
6 and inserting in lieu thereof the following: "to
7 the ratio that the enrollment of the former school
8 district bears to the district having the largest
9 enrollment involved in the merger shall retain".

10 3. Page 12, line 33, by striking the word
11 "population" and inserting in lieu thereof the
12 word "enrollment".

H-5780 FILED *H/B 3/28* BY BAKER of Buena Vista
MARCH 28, 1978 (*p 1102*)

HOUSE FILE 2359

H-5782

1 Amend House File 2359 as follows:

2 1. Page 14, by inserting after line 28 the
3 following sections:

4 "Sec. ____ Section two hundred eighty-two point
5 three (282.3), subsection two (2), unnumbered
6 paragraphs three (3) and four (4), Code 1977, are
7 amended to read as follows:

8 No child shall be admitted to school work for the
9 year immediately preceding the first grade unless
10 he or she is five years of age on or before the
11 fifteenth of September of the current school year
12 or the child has been certified by the area education
13 agency administrator of the area in which the child
14 resides to have demonstrated the possession of
15 sufficient ability to profit from the school's
16 educational program on the basis of tests and other
17 means of evaluation approved by the department of
18 public instruction.

19 No child shall be admitted to the first grade
20 unless he or she is six years of age on or before the
21 fifteenth of September of the current school year;
22 except that a child under six years of age who has
23 been admitted to school work for the year immediately
24 preceding the first grade under conditions approved
25 by the department of public instruction, or who has
26 demonstrated the possession of sufficient ability
27 to profit by first-grade work on the basis of tests
28 or other means of evaluation recommended or approved
29 by the department of public instruction, may be
30 admitted to first grade at any time before December
31 31."

32 2. Amend the title, line 2, by inserting after
33 the word "reorganization" the words "and admission".

H-5782 FILED, RULED NOT BY EGENES of Story
GERMANE, MOTION TO SUSPEND
RULES LOST (*p 1202*)
MARCH 28, 1978

1 Amend House File 2359 as follows:

2 1. Page 1, by inserting after line 20 the following
3 section:

4 "Sec. ____ . Section two hundred seventy-four point
5 thirteen (274.13), Code 1977, is amended by striking
6 the section and inserting in lieu thereof the
7 following:

8 274.13 ATTACHING TERRITORY TO ADJOINING DISTRICT.

9 Any portion of the landowners in a school district
10 may file a petition with the area education agency
11 administrator to include their land or a portion of
12 their land within the boundaries of an adjacent school
13 district. The area education agency administrator
14 shall transmit the petition to the board of directors
15 of the area education agency for review. If the board
16 approves the transfer, the area education agency
17 administrator, following approval by the board of
18 the affected adjacent district, shall by a written
19 order attach the part thus affected to the adjoining
20 school district. One copy of the order shall be
21 transmitted to the secretary of each school district
22 involved in the transfer who shall record the transfer,
23 and make the proper designation on the plat of the
24 district. One copy of the order shall also be
25 transmitted to the department of public instruction."

26 2. Page 9, by striking lines 22 through 35.

27 3. Page 10, by striking lines 1 through 35.

28 4. Page 11, by striking lines 1 through 14 and
29 inserting in lieu thereof the following:

30 "Sec. 15. Section two hundred seventy-five point
31 twenty-five (275.25), Code 1977, is amended by striking
32 the section and inserting in lieu thereof the
33 following:

34 275.25 ELECTION OF DIRECTORS. If the proposition
35 to establish a new corporation carries under the
36 method provided, the board of the reorganized district
37 shall consist of the members of the boards of the
38 districts involved in the reorganization who are
39 residents of the reorganized district until the second
40 regular school election held thereafter, except as
41 otherwise provided in this section. Terms of office
42 of such members shall be extended beyond their
43 expiration to the organizational meeting after the
44 second regular school election held thereafter.
45 Vacancies occurring on the board during the period
46 shall be filled by appointment of the remaining
47 members.

48 At the first election at which members will be
49 elected, three members of the board shall remain in
50 office, one for a one-year term, one for a two-year

1 term, and one for a three-year term. The determination
 2 of the members to be retained shall be made by lot.
 3 At the election, one member shall be elected for a
 4 one-year term and one for a two-year term, except
 5 in districts which include all or part of a city of
 6 fifteen thousand or more population and in districts
 7 in which the proposition to establish a new corporation
 8 provides for seven directors, two directors shall
 9 be elected for a three-year term. Provided, however,
 10 that in all community school districts which include
 11 a city of fifteen thousand or more population and
 12 which became effective prior to July 4, 1955, and
 13 in all community school districts containing a city
 14 which has attained a population of fifteen thousand
 15 or more as shown by the most recent decennial federal
 16 census, the board of directors shall consist of seven
 17 members. The county board of supervisors shall canvass
 18 the votes and the county commissioner of elections
 19 report the results to the area education agency
 20 administrator who shall notify the persons who are
 21 elected directors.

B 22 The board consisting of members of the former
 23 school districts shall organize within fifteen days
 24 following the effective date of the reorganization
 25 upon call of the administrator. The board of directors
 26 shall have complete control of the employment of all
 27 personnel for the newly-formed community school
 28 district for the ensuing school year. Following the
 29 organization of the board, the board shall establish
 30 policy, organize curriculum, enter into contracts
 31 and complete such other planning and take such action
 32 as is essential for the efficient management of the
 33 newly-formed community school district."

34 5. By numbering and renumbering sections as
 35 necessary.

H-5779 FILED, A-RULED GERMANE; BY SCHROEDER of Pottawattamie
 LOST; B-LOST (p 1179, 1200)
 MARCH 28, 1978

HOUSE FILE 2359

H-5774

- 1 Amend House File 2359 as follows:
 2
 3 1. Page 14, strike lines 29 through 35.
 2. Page 15, strike lines 1 through 22.

H-5774 FILED, LOST (p 1205) BY MENKE of O'Brien
 MARCH 28, 1978

HOUSE FILE 2359

H-5773

- 1 Amend House File 2359 as follows:
 2 1. Page 2, line 8, by inserting after the word
 3 "and" the word "all".
 4 2. Page 2, line 19, by inserting after the word
 5 "agency" the words "and all districts adjacent to the
 6 area education agency".
 7 3. Page 4, line 26, by inserting after the word
 8 "section." the words "Studies and surveys relating to
 9 the planning of joint districts shall be filed with the
 10 area education agency in which one of the districts is
 11 located which has the greatest taxable property base."

H-5773 FILED, ADOPTED BY BENNETT of Ida
 MARCH 28, 1978 (p 1171)

HOUSE FILE 2359

H-5781

- 1 Amend House File 2359 as follows:
2 1. By striking page 11, line 18 through page 12,
3 line 7 and inserting in lieu thereof the following:
4 "The terms of employment of superintendents,
5 principals, and teachers, for any current school year
6 shall not be affected by the formation of the new
7 district. However, if the board of a school district
8 has entered into a collective bargaining agreement
9 with its employees and prior to the date upon which
10 the agreement expires the school district is
11 reorganized under this chapter, the collective
12 bargaining agreement shall be terminated upon the
13 date the reorganized school district comes into
14 existence."

H-5781 FILED, LOST (p. 1201) BY STROMER of Hancock
MARCH 28, 1978

HOUSE FILE 2359

H-5784

- 1 Amend House File 2359 as follows:
2 1. Page 12, by striking lines 8 through 35.
3 2. Page 13, by striking lines 1 through 35.
4 3. Page 14, by striking lines 1 through 17.
5 4. By renumbering sections as necessary.

H-5784 FILED 4/27 3/28 BY BENNETT of Ida
MARCH 28, 1978 (p. 1204)

Education
Scott, Chairperson
Willits
Taylor

HOUSE FILE 2359

BY COMMITTEE ON EDUCATION

(As Amended and Passed by the House)

Passed House, Date 5-10-78 (p. 251) Passed Senate, Date 5-8-78 (p. 1321)

Vote: Ayes 68 Nays 17 Vote: Ayes 37 Nays 3

Approved June 14/1978
Report & Passed 5-10-78 (p. 251)
22-5

A BILL FOR

1 An Act relating to reorganization procedures for school
2 districts.

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

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House Amendments _____

1 Section 1. Section two hundred fifty-seven point twenty-
2 five (257.25), subsection eleven (11), unnumbered paragraph
3 one (1), Code 1977, is amended to read as follows:

4 The state board of public instruction shall remove for
5 cause, after due investigation and notice, any school or
6 school district from the approved list which fails to comply
7 with such approval standards and rules in the manner prescribed
8 in this subsection. The state board shall allow a reasonable
9 period of time after notification of noncompliance, not to
10 exceed the following school year, for compliance with such
11 approval standards and rules. ~~If the school or school district~~
12 ~~is making a good faith effort and substantial progress toward~~
13 ~~full compliance and if the failure to comply is due to factors~~
14 ~~beyond the control of the board of directors or governing~~
15 ~~body of such school or school district additional time may~~
16 ~~be granted.--In allowing such time for compliance, the board~~
17 ~~shall follow consistent policies, taking into account the~~
18 ~~circumstances of each case.--The reasonable period of time~~
19 ~~for compliance shall not exceed the one year notice requirement~~
20 ~~of subsection 12.~~

21 Sec. 2. Section two hundred seventy-five point one (275.1),
22 Code 1977, is amended to read as follows:

23 275.1 DECLARATION OF POLICY--SURVEYS. It is declared
24 to be the policy of the state to encourage ~~the reorganization~~
25 ~~of school districts into such units as are necessary,~~
26 economical and efficient and school districts which will
27 insure an equal educational opportunity to all children of
28 the state. All area areas of the state shall be in school
29 districts maintaining twelve grades. If any school district
30 ceases to maintain twelve grades, it shall ~~merge with a~~
31 ~~contiguous school district~~ reorganize within six months or
32 the state board shall attach the school district not
33 maintaining twelve grades to a contiguous another district.
34 Voluntary reorganizations under this chapter shall be commenced
35 only if the affected school districts are contiguous to one

1 another. A reorganized district shall meet the requirements
2 of section two hundred seventy-five point three (275.3) of
3 the Code.

4 If a district is attached, division of assets and
5 liabilities shall be made as provided in sections 275.29 to
6 275.31. The area education agency boards ~~may initiate~~ shall
7 develop detailed studies and surveys of the school districts
8 within the area education agency and all adjacent territory
9 for the purpose of ~~promoting~~ providing for reorganization
10 of school districts in order to effect more economical
11 operation and the attainment of higher standards of education
12 in the schools. The plans shall be revised periodically to
13 reflect reorganizations which may have taken place in the
14 area education agency and adjacent territory.

15 Sec. 3. Section two hundred seventy-five point two (275.2),
16 Code 1977, is amended to read as follows:

17 275.2 SCOPE OF SURVEYS. The scope of such studies and
18 surveys shall include the following matters in the various
19 districts in the ~~county~~ area education agency and all districts
20 adjacent to the area education agency: The adequacy of the
21 educational program, average daily attendance of pupils,
22 property valuations, existing buildings and equipment, natural
23 community areas, road conditions, transportation, economic
24 factors, individual attention given to the needs of students,
25 the opportunity of students to participate in a wide variety
26 of activities related to the total development of the student,
27 and such other matters that may bear on educational programs
28 meeting minimum standards required by law.

29 Sec. 4. Section two hundred seventy-five point three
30 (275.3), Code 1977, is amended to read as follows:

31 275.3 MINIMUM STANDARDS. No new school district shall
32 be planned by an area education agency board nor shall any
33 proposal for creation or enlargement of any school district
34 be approved by an area education agency board or submitted
35 to electors unless there reside within the proposed limits

1 of such district at least three hundred persons of school
2 age who were enrolled in public schools in the preceding
3 school year. Provided, however, that the state superintendent
4 of public instruction shall have authority to grant permission
5 to an area education agency board to approve the formation
6 or enlargement of a school district containing a lower school
7 population enrollment than ~~above-provided~~ required in this
8 section on the written request of such area education agency
9 board if such request is accompanied by evidence tending to
10 show that sparsity of population, natural barriers or other
11 good reason makes it impracticable to meet ~~said~~ the school
12 population enrollment requirement.

13 Sec. 5. Section two hundred seventy-five point four
14 (275.4), unnumbered paragraph one (1), Code 1977, is amended
15 to read as follows:

16 In ~~making-any~~ developing studies and surveys the area
17 education agency board shall consult with the officials of
18 affected districts and other citizens, and shall from time
19 to time hold public hearings, and may employ such research
20 and other assistance as it may determine reasonably necessary
21 in order to properly carry on its survey and prepare definite
22 plans of reorganization.

23 Sec. 6. Section two hundred seventy-five point four
24 (275.4), unnumbered paragraph two (2), Code 1977, is amended
25 by striking the paragraph and inserting in lieu thereof the
26 following:

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

35 Completed plans shall be transmitted by the area educa-

1 tion agency board to the superintendent of public instruc-
2 tion.

3 Sec. 7. Section two hundred seventy-five point five
4 (275.5), Code 1977, is amended by striking the section and
5 inserting in lieu thereof the following:

6 275.5 PROPOSALS FOR MERGER OR CONSOLIDATION. Any proposal
7 for merger, consolidation, or boundary change of local school
8 districts shall first be submitted to the area education
9 agency board following the procedure prescribed in this chap-
10 ter. Following receipt of a petition pursuant to section
11 two hundred seventy-five point twelve (275.12) of the Code,
12 the area education agency board shall review its plans and
13 determine whether the petition complies with the plans which
14 had been adopted by the board. If the petition does not com-
15 ply with the plans which had been adopted by the board, the
16 board shall conduct further surveys pursuant to section two
17 hundred seventy-five point four (275.4) of the Code prior
18 to the date set for the hearing upon the petition.

19 Sec. 8. Section two hundred seventy-five point eight
20 (275.8), unnumbered paragraph one (1) and subsection two (2),
21 Code 1977, are amended to read as follows:

22 275.8 CO-OPERATION OF STATE DEPARTMENT--PLANNING JOINT
23 DISTRICTS. ~~The state department of public instruction shall~~
24 ~~co-operate with the several area education agency boards in~~
25 ~~making studies and surveys.~~ Planning of joint districts shall
26 be conducted in the same manner as planning for single
27 districts, except as provided in this section. Studies and
28 surveys relating to the planning of joint districts shall
29 be filed with the area education agency in which one of the
30 districts is located which has the greatest taxable property
31 base. In the case of controversy over the planning of joint
32 districts, the matter shall be submitted to the state board
33 of public instruction ~~judicial.~~ Judicial review of ~~and~~ its
34 decision may be sought in accordance with the terms of the
35 Iowa administrative procedure Act. Notwithstanding the terms

1 of said Act, petitions for judicial review must be filed
2 within thirty days after the decision of the state board of
3 public instruction. Joint districts shall mean districts
4 that lie in two or more adjacent area education agencies.

5 2. Adoption of such plan at a joint session of the several
6 area education agency boards in whose areas such territory
7 is situated. Votes of each member of an area education agency
8 board shall be weighted so that the total number of votes
9 eligible to be cast by members of each board shall be equal.

10 Sec. 9. Section two hundred seventy-five point fourteen
11 (275.14), Code 1977, is amended to read as follows:

12 275.14 OBJECTION--TIME OF FILING--NOTICE. Within ten
13 days after the petition is filed, the area education agency
14 administrator shall fix a final date for filing objections
15 to the petition which shall be not more than sixty days after
16 the petition is filed and shall fix the date for a hearing
17 on the objections to the petition. Objections shall be filed
18 in the office of the administrator, and who shall give notice
19 for at least ten days prior to the final day for filing objec-
20 tions, by one publication in a newspaper published within
21 the territory described in the petition, or if none is
22 published therein, in a newspaper published in the county
23 where the petition is filed, and of general circulation in
24 the territory described. The notice shall also list the date,
25 time, and location for the hearing on the petition as provided
26 in section two hundred seventy-five point fifteen (275.15)
27 of the Code. The cost of publication shall be assessed to
28 each district whose territory is involved in the ratio that
29 the number of pupils in basic enrollment, as defined in section
30 442.4 in each district bears to the total number of pupils
31 in basic enrollment in the total area involved. Objections
32 shall be in writing in the form of an affidavit and may be
33 made by any person residing or owning land within the territory
34 described in the petition, or who would be injuriously affected
35 by the change petitioned for and shall be on file not later

1 than twelve o'clock noon of the final day fixed for filing
2 objections.

3 Sec. 10. Section two hundred seventy-five point fifteen
4 (275.15), Code 1977, is amended to read as follows:

5 275.15 HEARING--DECISION--PUBLICATION OF ORDER. ~~On the~~
6 ~~final-day-fixed-for-filing-objections~~ At the hearing, which
7 shall be held within ten days of the final date set for filing
8 objections, interested parties, both petitioners and objectors,
9 may present evidence and arguments, and the area education
10 agency board shall review the matter on its merits and within
11 five days after the conclusion of any hearing, shall rule
12 on the objections and shall enter an order fixing such
13 boundaries for the proposed school corporation as will in
14 its judgment be for the best interests of all parties
15 concerned, having due regard for the welfare of adjoining
16 districts or dismiss the petition. The area education agency
17 board, when entering the order fixing the boundaries, shall
18 consider requests for boundary line changes of property owners
19 who reside on property adjacent to the proposed boundary
20 lines. The agency administrator shall at once publish this
21 order in the same newspaper in which the original notice was
22 published. Within twenty days after the publication thereof
23 the decision rendered by the area education agency board may
24 be appealed to the district court in the county involved by
25 any school district affected. For purposes of appeal, only
26 those school districts who filed reorganization petitions
27 are school districts affected.

28 Sec. 11. Section two hundred seventy-five point sixteen
29 (275.16), unnumbered paragraph one (1), Code 1977, is amended
30 to read as follows:

31 If the territory described in the petition for the proposed
32 corporation lies in more than one area education agency, the
33 agency administrator with whom the petition is filed shall
34 fix the time and place for a hearing and call a joint meeting
35 of the members of all the agency boards in which any territory

1 of the proposed school corporation lies, to act as a single
2 board for the hearing of the said objections, and a majority
3 of all members of the agency boards of the different agencies
4 in which any part of the proposed corporation lies, shall
5 constitute a quorum. The joint boards acting as a single
6 board shall determine whether the petition conforms to plans
7 or, if the petition requests a change in plans, whether such
8 change should be made, and shall have the authority to change
9 the plans of any or all the area education agency boards
10 affected by the petition, and it shall determine and fix
11 boundaries for the proposed corporation as provided in section
12 275.15 or dismiss the petition. Votes of each member of an
13 area education agency board shall be weighted so that the
14 total number of votes eligible to be cast by members of each
15 board shall be equal. However, if such joint boards cast
16 a tie vote and are unable to agree to an order fixing the
17 boundaries for the proposed school district or to an order
18 to dismiss the petition, the time during which such actions
19 must be taken under the provisions of section 275.15 shall
20 be extended from five days to fifteen days after the conclusion
21 of the hearing under the provisions of section 275.15, and
22 such joint board shall reconvene not less than ten and not
23 more than fifteen days after the conclusion of such hearing.
24 At such hearing the joint board shall reconsider their action
25 and if a tie vote shall again be cast it shall be deemed an
26 order granting the petition and changing the plans of any
27 and all of the agency boards affected by the petition and
28 fixing the boundaries for the proposed school corporation.
29 The agency administrator shall at once publish the decision
30 in the same newspaper in which the original notice was
31 published.

32 Sec. 12. Chapter two hundred seventy-five (275), Code
33 1977, is amended by inserting the following new section after
34 section two hundred seventy-five point sixteen (275.16) of
35 the Code.

1 NEW SECTION. REFILING A PETITION. If an area education
2 agency board does not approve the change in boundaries of
3 school districts in accordance with a petition, an identical
4 petition shall not be refiled for a period of six months fol-
5 lowing the date of the hearing or the vote of the board,
6 whichever is later.

7 Sec. 13. Section two hundred seventy-five point eighteen
8 (275.18), Code 1977, is amended to read as follows:

9 275.18 SPECIAL ELECTION CALLED--TIME. When the boundaries
10 of the territory to be included in a proposed school
11 corporation and the number and method of the election of the
12 school directors of such proposed school corporation have
13 been determined as herein provided, the area education agency
14 administrator with whom such petition is filed shall call
15 a special election in such proposed school corporation within
16 thirty days from the date of the final determination of such
17 boundaries, but no later than December thirty-first, and serve
18 notice on the county commissioner of elections of the county
19 in the proposed school corporation which has the greatest
20 taxable base in the proposed school corporation. The county
21 commissioner of elections shall give notice of the election
22 by one publication in the same newspaper in which previous
23 notices have been published regarding the proposed school
24 reorganization, and in addition thereto, if more than one
25 county is involved, by one publication in a legal newspaper
26 in each county other than that of the first publication, which
27 publication shall be not less than four nor more than twenty
28 days prior to the election. In the case of districts located
29 in more than one county, no notice for an election shall be
30 published until the time for appeal, which shall be the same
31 as that provided in section 285.12, has expired; and in the
32 event of an appeal, not until the same has been disposed of.

33 Sec. 14. Section two hundred seventy-five point twenty
34 (275.20), Code 1977, is amended to read as follows:

35 275.20 SEPARATE VOTE IN EXISTING DISTRICTS. The voters

1 shall vote separately in each existing school district affected
 2 ~~or portion thereof~~ and voters residing in the entire existing
 3 district are eligible to vote upon the proposition to create
 4 such new school corporation. ~~School districts affected or~~
 5 ~~portion thereof shall be defined to mean that area included~~
 6 ~~within the boundaries of the proposed new school corporation,~~
 7 ~~except that where a portion of an existing school district~~
 8 ~~operating a high school, or rural independent school district~~
 9 ~~of eight sections or more operating a school formed prior~~
 10 ~~to May 10, 1957, is included within the boundaries of the~~
 11 ~~proposed new school corporation, that affected school district~~
 12 ~~shall be defined as that existing district within and without~~
 13 ~~the proposed new school corporation, and in such districts~~
 14 ~~the entire district shall vote.~~ If the proposition receives
 15 a majority of the votes cast in each of at least seventy-five
 16 percent of the said districts, and also a majority of the
 17 total number of votes cast in all of said districts, the
 18 proposition shall be deemed carried. ~~Provided, however, that~~
 19 ~~if two or more of the school districts affected have a resident~~
 20 ~~average daily attendance in public schools of three hundred~~
 21 ~~or more pupils who were enrolled in public schools in the~~
 22 ~~preceding school year, the proposition must also receive a~~
 23 ~~majority of the votes cast in each of said districts in order~~
 24 ~~to be deemed carried, and in such districts the entire existing~~
 25 ~~district shall vote.~~

26 Sec. 15. Section two hundred seventy-five point twenty-
 27 five (275.25), Code 1977, is amended to read as follows:

28 275.25 ELECTION OF DIRECTORS. If the proposition to
 29 establish a new corporation carries under the method
 30 hereinabove provided ~~a special election shall be called by~~
 31 ~~the area education agency administrator.--The administrator~~
 32 ~~shall notify the county commissioner of elections who shall~~
 33 ~~publish notice by one publication in the same newspaper in~~
 34 ~~which the former notices were published.--At such, the board~~
 35 of the reorganized district shall consist of the members of

1 the boards of the districts involved in the reorganization
2 who are residents of the reorganized district until their
3 successors are elected at the second regular school election
4 held thereafter. Terms of office of such members shall be
5 extended beyond their expiration to the organizational meeting
6 after the second regular school election held thereafter.
7 Vacancies occurring on the board during the period shall be
8 filled by appointment by the remaining members.

9 At the next succeeding regular school election, two
10 directors shall be elected to serve until the next regular
11 election, two until the second, and one until the third regular
12 election thereafter, except in districts which include all
13 or part of a city of fifteen thousand or more population and
14 in districts in which the proposition to establish a new
15 corporation provides for seven directors, three directors
16 shall be elected to serve until the third regular election
17 thereafter, all of whom to serve until such time as their
18 successors are elected and qualified. Provided, however,
19 that in all community school districts which include a city
20 of fifteen thousand or more population and which became
21 effective prior to July 4, 1955, and in all community school
22 districts containing a city which has attained a population
23 of fifteen thousand or more as shown by the most recent
24 decennial federal census, the board of directors shall consist
25 of seven members. Where it becomes necessary to increase
26 the membership of any such board under the provisions hereof,
27 two directors shall be added according to the procedure
28 described in section 277.23. The county board of supervisors
29 shall canvass the votes and the county commissioner of
30 elections report the results to the area education agency
31 administrator who shall notify the persons who are elected
32 directors. ~~The new board shall organize within fifteen days~~
33 ~~following their election upon call of the administrator.~~
34 ~~The new board of directors shall have complete control of~~
35 ~~the employment of all personnel for the newly formed community~~

1 school-district-for-the-ensuing-school-year---Following-the
 2 organization-of-the-new-board-they-shall-have-authority-to
 3 establish-policy,-organize-curriculum,-enter-into-contracts
 4 and-complete-such-ether-planning-and-take-such-action-as-is
 5 essential-for-the-efficient-management-of-the-newly-formed
 6 community-school-district.

7 Provided,-however,-in-cases-involving-two-districts-only,
 8 where-the-population-of-the-new-district-does-not-exceed-the
 9 population-of-the-more-populous-of-said-districts-by-more
 10 than-twenty-five-percent,-the-incumbent-board-members-of-said
 11 more-populous-district-shall-continue-to-hold-office-as-the
 12 directors-of-the-new-district-for-the-remainder-of-their
 13 elective-terms. Section 49.8, subsection 4 shall not be
 14 construed to permit a director to remain on the board of any
 15 school district after the effective date of a boundary change
 16 which places the director's residence outside the boundaries
 17 of the district. Vacancies so caused on any board shall be
 18 filled in the manner provided in sections 279.6 and 279.7.

19 Sec. 16. Section two hundred seventy-five point thirty-
 20 three (275.33), Code 1977, is amended to read as follows:

21 275.33 CONTRACTS NOT AFFECTED.

22 1. The terms of employment of superintendents, principals,
 23 and teachers, for any-current the school year following the
 24 effective date of the formation of the new district shall
 25 not be affected by the formation of the new district, except
 26 in accordance with the provisions of sections two hundred
 27 seventy-nine point fifteen (279.15) through two hundred
 28 seventy-nine point eighteen (279.18) and two hundred seventy-
 29 nine point twenty-four (279.24) of the Code.

30 2. The collective bargaining agreement of the district
 31 with the largest basic enrollment, as defined in section four
 32 hundred forty-two point four (442.4) of the Code, in the new
 33 district shall continue in full force and effect until a
 34 successor agreement is negotiated and the employees of the
 35 other districts involved in the formation of the new district

1 shall automatically be accreted to the bargaining unit of
2 that collective bargaining agreement without further action
3 by the public employment relations board. If only one
4 collective bargaining agreement is in effect among the
5 districts which are party to the reorganization, then that
6 agreement shall continue in full force and effect until a
7 successor agreement is negotiated, and the employees of the
8 other districts involved in the formation of the new district
9 shall automatically be accreted to the bargaining unit of
10 that collective bargaining agreement without further action
11 by the public employment relations board.

12 Sec. 17. Chapter two hundred seventy-five (275), Code
13 1977, is amended by adding the following new section:

14 NEW SECTION. ALTERNATIVE METHOD FOR ELECTION OF DIRECTORS.

15 1. As an alternative to the method specified in section
16 two hundred seventy-five point twenty-five (275.25) of the
17 Code for electing directors in a newly-formed community school
18 district, the procedure specified in this section may be used.

19 2. The boards of the old school district with the largest
20 population involved in the merger shall designate four
21 directors to be retained as members of the board of the newly-
22 formed district. Other school districts involved in the
23 merger shall each be allowed to retain directors in proportion
24 to the ratio that the population of the former school district
25 bears to the most populous district involved in the merger,
26 except that no district involved in the merger shall retain
27 less than one director.

28 3. If the procedure in subsection two (2) of this section
29 results in four members being retained from the largest
30 district involved in the merger and only a single member from
31 the other district involved in the merger, the reorganization
32 petition may specify that the distribution of the board members
33 who are retained from the districts involved in the merger
34 be five to one, five to two, or six to one.

35 4. If the total number of directors determined under sub-

1 section two (2) or three (3) of this section is an odd number,
2 the board of the district with the largest population shall
3 designate the term of office of one of the members who is
4 retained to commence at the organizational meeting of the
5 board of the newly-formed district and to end at the
6 organizational meeting following the fourth regular school
7 election held thereafter in the manner specified in the
8 reorganization petition.

9 If the total number of directors determined under subsection
10 two (2) or three (3) of this section is an even number, that
11 number of directors shall function until a special election
12 can be held, at which time an additional director shall be
13 elected to a term from the newly-formed district ending at
14 the organizational meeting following the fourth regular school
15 election held thereafter. The procedure for calling the
16 special election shall be the procedure specified in section
17 two hundred seventy-five point twenty-five (275.25) of the
18 Code.

19 5. The boards of directors of other school districts which
20 are involved in the merger which have three or more directors
21 who are retained, shall each designate two of the directors
22 who are retained to serve terms that expire at the
23 organizational meeting following the second regular school
24 election held thereafter. All other directors who are retained
25 shall serve terms that expire at the organizational meeting
26 following the third regular school election held thereafter.

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

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

1 petition, four directors shall be elected, two for one-year
2 terms and two for three-year terms, in the manner specified
3 in the reorganization petition.

4 8. The board of the newly-formed district shall organize
5 within forty-five days after the approval of the merger upon
6 the call of the area education agency administrator. The
7 new board shall have control of the employment of all personnel
8 for the newly-formed district for the ensuing school year.
9 Following the organization of the new board the board shall
10 have authority to establish policy, organize curriculum, enter
11 into contracts and complete such planning and take such action
12 as is essential for the efficient management of the newly-
13 formed community school district.

14 Section forty-nine point eight (49.8), subsection four
15 (4), of the Code shall not permit a director to remain on
16 the board of a school district after the effective date of
17 a boundary change which places the director's residence outside
18 the boundaries of the district. Vacancies so caused on any
19 board shall be filled in the manner provided in sections two
20 hundred seventy-nine point six (279.6) and two hundred seventy-
21 nine point seven (279.7) of the Code.

22 Sec. 18. Section two hundred eighty point fifteen (280.15),
23 Code 1977, is amended to read as follows:

24 280.15 JOINT EMPLOYMENT AND SHARING. Any two or more
25 public school districts may jointly employ and share the
26 services of any school personnel, or acquire and share the
27 use of classrooms, laboratories, equipment and facilities.
28 Classes made available to students in the manner provided
29 in this section shall be considered as complying with the
30 requirements of section two hundred seventy-five point one
31 (275.1) of the Code relating to the maintenance of twelve
32 grades by a school district.

33 Sec. 19. Chapter two hundred ninety-seven (297), Code
34 1977, is amended by adding the following new section:

35 NEW SECTION. Before an election is held on the issuance

1 of general obligation bonds for the construction or renovation
2 of any school building, the board shall inform the board of
3 the area education agency in which the school district is
4 located. The chairperson of the area education agency shall
5 call a meeting of the boards of directors of the school
6 district proposing the issuance of general obligation bonds,
7 the boards of school districts contiguous to that school
8 district, and the board of the area education agency, for
9 the purpose of discussing enrollment trends of that school
10 district and school districts contiguous to it and solutions
11 to the enrollment changes in the various school districts,
12 including the possibility of school district reorganization.
13 The chairperson of the board of the area education agency
14 shall preside at the meeting unless the chairperson is a
15 resident of the school district proposing the issuance of
16 general obligation bonds. In that case, the vice chairperson
17 shall preside at the meeting.

18 Following discussion at the meeting, the board of directors
19 of the area education agency shall meet to make recommendations
20 concerning alternative solutions to the construction or
21 renovation of the school building which shall be made to the
22 school district proposing to issue general obligation bonds.

23 The school district shall consider the recommendations
24 of the board of the area education agency before setting a
25 date for the election to authorize the issuance of general
26 obligation bonds.

HOUSE FILE 2359

S-5596

1 Amend House File 2359 as amended, passed and
2 reprinted, page 14, by striking lines 33 through
3 page 15, line 26.

S-5596 FILED *Lost 5/8 (p. 1217)*
APRIL 19, 1978

BY RAY TAYLOR
C. JOSEPH COLEMAN
CALVIN O. HULTMAN
SERL E. PRIEBE
JOHN N. NYSTROM
MILO MERRITT

HOUSE FILE 2359

S-5681

1 Amend House File 2359, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 15, by striking lines 5 through 8 and
4 inserting in lieu thereof the words "call a meeting
5 of the area education agency board and the school
6 district for".

S-5681 FILED *Adopted 5/8 (p. 1220)* BY RAY TAYLOR
APRIL 26, 1978

HOUSE FILE 2359

S-5682

1 Amend House File 2359, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 11, by striking lines 21 through 35.
4 2. Page 12, by striking lines 1 through 11 and
5 inserting in lieu thereof the following:
6 "275.33 CONTRACTS NOT-AFFECTED. The terms of
7 employment of superintendents, principals, and
8 teachers, for any current school year shall not be
9 affected by the formation of the new district. If
10 a school district has entered into a collective
11 bargaining agreement with its employees and prior
12 to the date upon which the agreement expires the
13 school district is reorganized under this chapter,
14 the collective bargaining agreement shall be terminated
15 upon the date the reorganized school district comes
16 into existence and an employee organization may begin
17 the recertification process as provided in chapter
18 twenty (20) of the Code."
19 3. Page 12, by inserting before line 12 the
20 following:
21 "Administrators employed by the board of the
22 reorganized district shall be probationary administra-
23 tors under the provisions of section two hundred
24 seventy-nine point twenty-four (279.24) of the Code."

S-5682 FILED *Lost 5/8 (p. 1217)* BY RAY TAYLOR
APRIL 26, 1978

HOUSE FILE 2359

S-5836

1 Amend House File 2359, as amended, passed and
2 reprinted by the House as follows:

3 1. Page 11, line 31, by striking lines 31 and
4 32 and inserting in lieu thereof the words "with the
5 largest number of employees in the certified
6 bargaining unit in the new".

7 2. Page 12, line 3, by striking the word "If"
8 and inserting in lieu thereof the figure and word:
9 "3. If".

10 3. Page 12, line 11, by inserting after the word
11 "board." the words "However, if the number of employees
12 of the other districts involved to be accreted to the
13 bargaining unit is greater than the number of employees
14 in the bargaining unit whose agreement is in effect
15 at the time of the reorganization, the collective
16 bargaining agreement shall be terminated upon the
17 date the reorganized school district comes into
18 existence and an employee organization may begin the
19 recertification process as provided in chapter twenty
20 (20) of the Code."

S-5836 FILED & LOST (p. 1219)
MAY 8, 1978

BY RAY TAYLOR

HOUSE FILE 2359

S-5838

1 Amend House File 2359 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 11, line 18, by striking the words
4 and figures "sections 279.6 and 279.7" and inserting
5 in lieu thereof the words and figures "sections section
6 279.6 and 279-7".

S-5838 FILED & ADOPTED (p. 1301)
MAY 8, 1978

BY RICHARD F. DRAKE
JOHN SCOTT

SENATE AMENDMENT TO
HOUSE FILE 2359

H-6577

1 Amend House File 2359 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 11, line 18, by striking the words and
4 figures "sections 279.6 and 279.7" and inserting in
5 lieu thereof the words and figures "sections section
6 279.6 and 279-7".

7 2. Page 15, by striking lines 5 through 8 and
8 inserting in lieu thereof the words "call a meeting
9 of the area education agency board and the school
10 district for".

H-6577 FILED
RECEIVED FROM SENATE
MAY 9, 1978

House Amendment (6577, 3810) Amended S.B. 2359.

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2359

S-5867

1 Amend the Senate amendment, H-6577, to House File
2 2359 as amended, passed and reprinted by the House,
3 as follows:
4 1. By inserting after line 2 the following:
5 "1. Page 8, by striking lines 14 through 20 and
6 inserting in lieu thereof the words "administrator
7 with whom such petition is filed shall ~~call a special~~
8 ~~election in such proposed school corporation within~~
9 ~~thirty days from the date of the final determination~~
10 ~~of such boundaries and serve~~ give written notice on
11 of the proposed date of the election to the county
12 commissioner of elections of the county in the proposed
13 school corporation which has the greatest taxable
14 base in the proposed school corporation therein.
15 The proposed date shall be as soon as possible pursuant
16 to sections thirty-nine point two (39.2), subsections
17 one (1) and two (2), and forty-seven point six (47.6),
18 subsections one (1) and two (2), of the Code, but
19 not later than December thirty-first. The county".
20 2. By striking lines 7 through 10:
21 3. By renumbering succeeding sections of the
22 amendment accordingly.

S-5867 FILED
MAY 10, 1978

RECEIVED FROM THE HOUSE

Senate Concurred 5/10 (P. 1386)

HOUSE FILE 2359

H-6599

- 1 Amend the Senate amendment, H-6577, to House File
2 2359 as amended, passed and reprinted by the House,
3 as follows:
4 1. By inserting after line 2 the following:
5 "1. Page 8, by striking lines 14 through 20 and
6 inserting in lieu thereof the words "administrator
7 with whom such petition is filed shall ~~call-a-special~~
8 ~~election-in-such-proposed-school-corporation-within~~
9 ~~thirty-days-from-the-date-of-the-final-determination~~
10 ~~of-such-boundaries-and-serve~~ give written notice on
11 of the proposed date of the election to the county
12 commissioner of elections of the county in the proposed
13 school corporation which has the greatest taxable
14 base ~~in-the-proposed-school-corporation~~ therein.
15 The proposed date shall be as soon as possible pursuant
16 to sections thirty-nine point two (39.2), subsections
17 one (1) and two (2), and forty-seven point six (47.6),
18 subsections one (1) and two (2), of the Code, but
19 not later than December thirty-first. The county".
20 2. By renumbering succeeding sections of the
21 amendment accordingly.

H-6599 FILED *Adopted 5/10* BY MCNRoe of Des Moines
MAY 9, 1978

HOUSE FILE 2359

H-6616

- 1 Amend H-6577, Senate Amendment to House File
2 2359, as follows:
3 1. By striking lines 7 through 10.

H-6616 FILED *Adopted 5/10* BY HORN of Linn
MAY 10, 1978
(P. 2396)

HOUSE FILE 2359

AN ACT

RELATING TO REORGANIZATION PROCEDURES FOR SCHOOL DISTRICTS.

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

Section 1. Section two hundred fifty-seven point twenty-five (257.25), subsection eleven (11), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The state board of public instruction shall remove for cause, after due investigation and notice, any school or school district from the approved list which fails to comply with such approval standards and rules in the manner prescribed in this subsection. The state board shall allow a reasonable period of time after notification of noncompliance, not to exceed the following school year, for compliance with such approval standards and rules. ~~If the school or school district is making a good faith effort and substantial progress toward full compliance and if the failure to comply is due to factors beyond the control of the board of directors or governing body of such school or school district additional time may be granted; in allowing such time for compliance, the board shall follow consistent policies, taking into account the circumstances of each case; the reasonable period of time for compliance shall not exceed the one-year notice requirement of subsection 12.~~

Sec. 2. Section two hundred seventy-five point one (275.1), Code 1977, is amended to read as follows:

275.1 DECLARATION OF POLICY--SURVEYS. It is declared to be the policy of the state to encourage ~~the reorganization of school districts into such units as are necessary,~~ economical and efficient and school districts which will insure an equal educational opportunity to all children of the state. All area areas of the state shall be in school

districts maintaining twelve grades. If any school district ceases to maintain twelve grades, it shall ~~merge with a contiguous school district~~ reorganize within six months or the state board shall attach the school district not maintaining twelve grades to ~~a contiguous~~ another district. Voluntary reorganizations under this chapter shall be commenced only if the affected school districts are contiguous to one another. A reorganized district shall meet the requirements of section two hundred seventy-five point three (275.3) of the Code.

If a district is attached, division of assets and liabilities shall be made as provided in sections 275.29 to 275.31. The area education agency boards ~~may initiate~~ shall develop detailed studies and surveys of the school districts within the area education agency and all adjacent territory for the purpose of ~~promoting~~ providing for reorganization of school districts in order to effect more economical operation and the attainment of higher standards of education in the schools. The plans shall be revised periodically to reflect reorganizations which may have taken place in the area education agency and adjacent territory.

Sec. 3. Section two hundred seventy-five point two (275.2), Code 1977, is amended to read as follows:

275.2 SCOPE OF SURVEYS. The scope of such studies and surveys shall include the following matters in the various districts in the county area education agency and all districts adjacent to the area education agency: The adequacy of the educational program, average daily attendance of pupils, property valuations, existing buildings and equipment, natural community areas, road conditions, transportation, economic factors, individual attention given to the needs of students, the opportunity of students to participate in a wide variety of activities related to the total development of the student, and such other matters that may bear on educational programs meeting minimum standards required by law.

Sec. 4. Section two hundred seventy-five point three (275.3), Code 1977, is amended to read as follows:

275.3 MINIMUM STANDARDS. No new school district shall be planned by an area education agency board nor shall any proposal for creation or enlargement of any school district be approved by an area education agency board or submitted to electors unless there reside within the proposed limits of such district at least three hundred persons of school age who were enrolled in public schools in the preceding school year. Provided, however, that the state superintendent of public instruction shall have authority to grant permission to an area education agency board to approve the formation or enlargement of a school district containing a lower school ~~population enrollment~~ than above-provided required in this section on the written request of such area education agency board if such request is accompanied by evidence tending to show that sparsity of population, natural barriers or other good reason makes it impracticable to meet ~~said the school population enrollment~~ requirement.

Sec. 5. Section two hundred seventy-five point four (275.4), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

In ~~making any developing~~ studies and surveys the area education agency board shall consult with the officials of affected districts and other citizens, and shall from time to time hold public hearings, and may employ such research and other assistance as it may determine reasonably necessary in order to properly carry on its survey and prepare definite plans of reorganization.

Sec. 6. Section two hundred seventy-five point four (275.4), unnumbered paragraph two (2), Code 1977, is amended by striking the paragraph and inserting in lieu thereof the following:

In addition, the area education agency board shall consult with the superintendent of public instruction in the

development of surveys and plans. The superintendent of public instruction shall provide assistance to the area education agency boards as requested and shall advise the area education agency boards concerning plans of contiguous area education agencies and the reorganization policies adopted by the state board of public instruction.

Completed plans shall be transmitted by the area education agency board to the superintendent of public instruction.

Sec. 7. Section two hundred seventy-five point five (275.5), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

275.5 PROPOSALS FOR MERGER OR CONSOLIDATION. Any proposal for merger, consolidation, or boundary change of local school districts shall first be submitted to the area education agency board following the procedure prescribed in this chapter. Following receipt of a petition pursuant to section two hundred seventy-five point twelve (275.12) of the Code, the area education agency board shall review its plans and determine whether the petition complies with the plans which had been adopted by the board. If the petition does not comply with the plans which had been adopted by the board, the board shall conduct further surveys pursuant to section two hundred seventy-five point four (275.4) of the Code prior to the date set for the hearing upon the petition.

Sec. 8. Section two hundred seventy-five point eight (275.8), unnumbered paragraph one (1) and subsection two (2), Code 1977, are amended to read as follows:

275.8 CO-OPERATION OF STATE DEPARTMENT--PLANNING JOINT DISTRICTS. ~~The state department of public instruction shall co-operate with the several area education agency boards in making studies and surveys.~~ Planning of joint districts shall be conducted in the same manner as planning for single districts, except as provided in this section. Studies and surveys relating to the planning of joint districts shall

be filed with the area education agency in which one of the districts is located which has the greatest taxable property base. In the case of controversy over the planning of joint districts, the matter shall be submitted to the state board of public instruction ~~judicial~~. Judicial review of and its decision may be sought in accordance with the terms of the Iowa administrative procedure Act. Notwithstanding the terms of said Act, petitions for judicial review must be filed within thirty days after the decision of the state board of public instruction. Joint districts shall mean districts that lie in two or more adjacent area education agencies.

2. Adoption of such plan at a joint session of the several area education agency boards in whose areas such territory is situated. Votes of each member of an area education agency board shall be weighted so that the total number of votes eligible to be cast by members of each board shall be equal.

Sec. 9. Section two hundred seventy-five point fourteen (275.14), Code 1977, is amended to read as follows:

275.14 OBJECTION--TIME OF FILING--NOTICE. Within ten days after the petition is filed, the area education agency administrator shall fix a final date for filing objections to the petition which shall be not more than sixty days after the petition is filed and shall fix the date for a hearing on the objections to the petition. Objections shall be filed in the office of the administrator, and who shall give notice for at least ten days prior to the final day for filing objections, by one publication in a newspaper published within the territory described in the petition, or if none is published therein, in a newspaper published in the county where the petition is filed, and of general circulation in the territory described. The notice shall also list the date, time, and location for the hearing on the petition as provided in section two hundred seventy-five point fifteen (275.15) of the Code. The cost of publication shall be assessed to each district whose territory is involved in the ratio that

the number of pupils in basic enrollment, as defined in section 442.4 in each district bears to the total number of pupils in basic enrollment in the total area involved. Objections shall be in writing in the form of an affidavit and may be made by any person residing or owning land within the territory described in the petition, or who would be injuriously affected by the change petitioned for and shall be on file not later than twelve o'clock noon of the final day fixed for filing objections.

Sec. 10. Section two hundred seventy-five point fifteen (275.15), Code 1977, is amended to read as follows:

275.15 HEARING--DECISION--PUBLICATION OF ORDER. On the final-day-fixed-for-filing-objections At the hearing, which shall be held within ten days of the final date set for filing objections, interested parties, both petitioners and objectors, may present evidence and arguments, and the area education agency board shall review the matter on its merits and within five days after the conclusion of any hearing, shall rule on the objections and shall enter an order fixing such boundaries for the proposed school corporation as will in its judgment be for the best interests of all parties concerned, having due regard for the welfare of adjoining districts or dismiss the petition. The area education agency board, when entering the order fixing the boundaries, shall consider requests for boundary line changes of property owners who reside on property adjacent to the proposed boundary lines. The agency administrator shall at once publish this order in the same newspaper in which the original notice was published. Within twenty days after the publication thereof the decision rendered by the area education agency board may be appealed to the district court in the county involved by any school district affected. For purposes of appeal, only those school districts who filed reorganization petitions are school districts affected.

Sec. 11. Section two hundred seventy-five point sixteen

(275.16), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If the territory described in the petition for the proposed corporation lies in more than one area education agency, the agency administrator with whom the petition is filed shall fix the time and place for a hearing and call a joint meeting of the members of all the agency boards in which any territory of the proposed school corporation lies, to act as a single board for the hearing of the said objections, and a majority of all members of the agency boards of the different agencies in which any part of the proposed corporation lies, shall constitute a quorum. The joint boards acting as a single board shall determine whether the petition conforms to plans or, if the petition requests a change in plans, whether such change should be made, and shall have the authority to change the plans of any or all the area education agency boards affected by the petition, and it shall determine and fix boundaries for the proposed corporation as provided in section 275.15 or dismiss the petition. Votes of each member of an area education agency board shall be weighted so that the total number of votes eligible to be cast by members of each board shall be equal. However, if such joint boards cast a tie vote and are unable to agree to an order fixing the boundaries for the proposed school district or to an order to dismiss the petition, the time during which such actions must be taken under the provisions of section 275.15 shall be extended from five days to fifteen days after the conclusion of the hearing under the provisions of section 275.15, and such joint board shall reconvene not less than ten and not more than fifteen days after the conclusion of such hearing. At such hearing the joint board shall reconsider their action and if a tie vote shall again be cast it shall be deemed an order granting the petition and changing the plans of any and all of the agency boards affected by the petition and fixing the boundaries for the proposed school corporation.

The agency administrator shall at once publish the decision in the same newspaper in which the original notice was published.

Sec. 12. Chapter two hundred seventy-five (275), Code 1977, is amended by inserting the following new section after section two hundred seventy-five point sixteen (275.16) of the Code:

NEW SECTION. REFILEING A PETITION. If an area education agency board does not approve the change in boundaries of school districts in accordance with a petition, an identical petition shall not be refiled for a period of six months following the date of the hearing or the vote of the board, whichever is later.

Sec. 13. Section two hundred seventy-five point eighteen (275.18), Code 1977, is amended to read as follows:

275.18 SPECIAL ELECTION CALLED--TIME. When the boundaries of the territory to be included in a proposed school corporation and the number and method of the election of the school directors of such proposed school corporation have been determined as herein provided, the area education agency administrator with whom such petition is filed shall ~~call a special election in such proposed school corporation within thirty days from the date of the final determination of such boundaries and serve~~ give written notice on of the proposed date of the election to the county commissioner of elections of the county in the proposed school corporation which has the greatest taxable base ~~in the proposed school corporation therein.~~ The proposed date shall be as soon as possible pursuant to sections thirty-nine point two (39.2), subsections one (1) and two (2), and forty-seven point six (47.6), subsections one (1) and two (2), of the Code, but not later than December thirty-first. The county commissioner of elections shall give notice of the election by one publication in the same newspaper in which previous notices have been published regarding the proposed school reorganization, and

in addition thereto, if more than one county is involved, by one publication in a legal newspaper in each county other than that of the first publication, which publication shall be not less than four nor more than twenty days prior to the election. In the case of districts located in more than one county, no notice for an election shall be published until the time for appeal, which shall be the same as that provided in section 285.12, has expired; and in the event of an appeal, not until the same has been disposed of.

Sec. 14. Section two hundred seventy-five point twenty (275.20), Code 1977, is amended to read as follows:

275.20 SEPARATE VOTE IN EXISTING DISTRICTS. The voters shall vote separately in each existing school district affected ~~or portion thereof and voters residing in the entire existing district are eligible to vote~~ upon the proposition to create such new school corporation. ~~School districts affected or portion thereof shall be defined to mean that area included within the boundaries of the proposed new school corporation, except that where a portion of an existing school district operating a high school, or rural independent school district of eight sections or more operating a school formed prior to May 10, 1957, is included within the boundaries of the proposed new school corporation, that affected school district shall be defined as that existing district within and without the proposed new school corporation, and in such districts the entire district shall vote.~~ If the proposition receives a majority of the votes cast in each of at least seventy-five percent of the said districts, and also a majority of the total number of votes cast in all of said districts, the proposition shall be deemed carried. ~~Provided, however, that if two or more of the school districts affected have a resident average daily attendance in public schools of three hundred or more pupils who were enrolled in public schools in the preceding school year, the proposition must also receive a majority of the votes cast in each of said districts in order~~

~~to be deemed carried and in such districts the entire existing district shall vote.~~

Sec. 15. Section two hundred seventy-five point twenty-five (275.25), Code 1977, is amended to read as follows:

275.25 ELECTION OF DIRECTORS. If the proposition to establish a new corporation carries under the method hereinabove provided ~~a special election shall be called by the area education agency administrator. The administrator shall notify the county commissioner of elections who shall publish notice by one publication in the same newspaper in which the former notices were published. At such, the board of the reorganized district shall consist of the members of the boards of the districts involved in the reorganization who are residents of the reorganized district until their successors are elected at the second regular school election held thereafter. Terms of office of such members shall be extended beyond their expiration to the organizational meeting after the second regular school election held thereafter. Vacancies occurring on the board during the period shall be filled by appointment by the remaining members.~~

At the next succeeding regular school election, two directors shall be elected to serve until the next regular election, two until the second, and one until the third regular election thereafter, except in districts which include all or part of a city of fifteen thousand or more population and in districts in which the proposition to establish a new corporation provides for seven directors, three directors shall be elected to serve until the third regular election thereafter, all of whom to serve until such time as their successors are elected and qualified. Provided, however, that in all community school districts which include a city of fifteen thousand or more population and which became effective prior to July 4, 1955, and in all community school districts containing a city which has attained a population of fifteen thousand or more as shown by the most recent

decennial federal census, the board of directors shall consist of seven members. Where it becomes necessary to increase the membership of any such board under the provisions hereof, two directors shall be added according to the procedure described in section 277.23. The county board of supervisors shall canvass the votes and the county commissioner of elections report the results to the area education agency administrator who shall notify the persons who are elected directors. ~~The new board shall organize within fifteen days following their election upon call of the administrator. The new board of directors shall have complete control of the employment of all personnel for the newly formed community school district for the ensuing school year. Following the organization of the new board they shall have authority to establish policy, organize curriculum, enter into contracts and complete such other planning and take such action as is essential for the efficient management of the newly formed community school district.~~

~~Provided, however, in cases involving two districts only, where the population of the new district does not exceed the population of the more populous of said districts by more than twenty-five percent, the incumbent board members of said more populous district shall continue to hold office as the directors of the new district for the remainder of their elective terms. Section 49.8, subsection 4 shall not be construed to permit a director to remain on the board of any school district after the effective date of a boundary change which places the director's residence outside the boundaries of the district. Vacancies so caused on any board shall be filled in the manner provided in sections section 279.6 and 279.7.~~

Sec. 16. Section two hundred seventy-five point thirty-three (275.33), Code 1977, is amended to read as follows:

275.33 CONTRACTS NOT AFFECTED.

1. The terms of employment of superintendents, principals,

and teachers, for ~~any current~~ the school year following the effective date of the formation of the new district shall not be affected by the formation of the new district, except in accordance with the provisions of sections two hundred seventy-nine point fifteen (279.15) through two hundred seventy-nine point eighteen (279.18) and two hundred seventy-nine point twenty-four (279.24) of the Code.

2. The collective bargaining agreement of the district with the largest basic enrollment, as defined in section four hundred forty-two point four (442.4) of the Code, in the new district shall continue in full force and effect until a successor agreement is negotiated and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement without further action by the public employment relations board. If only one collective bargaining agreement is in effect among the districts which are party to the reorganization, then that agreement shall continue in full force and effect until a successor agreement is negotiated, and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement without further action by the public employment relations board.

Sec. 17. Chapter two hundred seventy-five (275), Code 1977, is amended by adding the following new section:

NEW SECTION. ALTERNATIVE METHOD FOR ELECTION OF DIRECTORS.

1. As an alternative to the method specified in section two hundred seventy-five point twenty-five (275.25) of the Code for electing directors in a newly-formed community school district, the procedure specified in this section may be used.

2. The boards of the old school district with the largest population involved in the merger shall designate four directors to be retained as members of the board of the newly-formed district. Other school districts involved in the

merger shall each be allowed to retain directors in proportion to the ratio that the population of the former school district bears to the most populous district involved in the merger, except that no district involved in the merger shall retain less than one director.

3. If the procedure in subsection two (2) of this section results in four members being retained from the largest district involved in the merger and only a single member from the other district involved in the merger, the reorganization petition may specify that the distribution of the board members who are retained from the districts involved in the merger be five to one, five to two, or six to one.

4. If the total number of directors determined under subsection two (2) or three (3) of this section is an odd number, the board of the district with the largest population shall designate the term of office of one of the members who is retained to commence at the organizational meeting of the board of the newly-formed district and to end at the organizational meeting following the fourth regular school election held thereafter in the manner specified in the reorganization petition.

If the total number of directors determined under subsection two (2) or three (3) of this section is an even number, that number of directors shall function until a special election can be held, at which time an additional director shall be elected to a term from the newly-formed district ending at the organizational meeting following the fourth regular school election held thereafter. The procedure for calling the special election shall be the procedure specified in section two hundred seventy-five point twenty-five (275.25) of the Code.

5. The boards of directors of other school districts which are involved in the merger which have three or more directors who are retained, shall each designate two of the directors who are retained to serve terms that expire at the

organizational meeting following the second regular school election held thereafter. All other directors who are retained shall serve terms that expire at the organizational meeting following the third regular school election held thereafter.

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

7. At the third regular school election held after the effective date of merger, if a five-member board is specified in the reorganization petition, two directors shall be elected in the manner specified in the reorganization petition and if a seven-member board is specified in the reorganization petition, four directors shall be elected, two for one-year terms and two for three-year terms, in the manner specified in the reorganization petition.

8. The board of the newly-formed district shall organize within forty-five days after the approval of the merger upon the call of the area education agency administrator. The new board shall have control of the employment of all personnel for the newly-formed district for the ensuing school year. Following the organization of the new board the board shall have authority to establish policy, organize curriculum, enter into contracts and complete such planning and take such action as is essential for the efficient management of the newly-formed community school district.

Section forty-nine point eight (49.8), subsection four (4), of the Code shall not permit a director to remain on the board of a school district after the effective date of a boundary change which places the director's residence outside the boundaries of the district. Vacancies so caused on any board shall be filled in the manner provided in sections two hundred seventy-nine point six (279.6) and two hundred seventy-nine point seven (279.7) of the Code.

Sec. 18. Section two hundred eighty point fifteen (280.15),

Code 1977, is amended to read as follows:

280.15 JOINT EMPLOYMENT AND SHARING. Any two or more public school districts may jointly employ and share the services of any school personnel, or acquire and share the use of classrooms, laboratories, equipment and facilities. Classes made available to students in the manner provided in this section shall be considered as complying with the requirements of section two hundred seventy-five point one (275.1) of the Code relating to the maintenance of twelve grades by a school district.

Sec. 19. Chapter two hundred ninety-seven (297), Code 1977, is amended by adding the following new section:

NEW SECTION. Before an election is held on the issuance of general obligation bonds for the construction or renovation of any school building, the board shall inform the board of the area education agency in which the school district is located. The chairperson of the area education agency shall call a meeting of the boards of directors of the school district proposing the issuance of general obligation bonds, the boards of school districts contiguous to that school district, and the board of the area education agency, for the purpose of discussing enrollment trends of that school district and school districts contiguous to it and solutions to the enrollment changes in the various school districts, including the possibility of school district reorganization. The chairperson of the board of the area education agency shall preside at the meeting unless the chairperson is a resident of the school district proposing the issuance of general obligation bonds. In that case, the vice chairperson shall preside at the meeting.

Following discussion at the meeting, the board of directors of the area education agency shall meet to make recommendations concerning alternative solutions to the construction or renovation of the school building which shall be made to the school district proposing to issue general obligation bonds.

The school district shall consider the recommendations of the board of the area education agency before setting a date for the election to authorize the issuance of general obligation bonds.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2359, Sixty-seventh General Assembly.

Approved  14, 1978

DAVID L. WRAY
Chief Clerk of the House

ROBERT D. RAY
Governor