

Reprinted 2/15

HOUSE FILE 2340

By COMMITTEE ON EDUCATION

(Formerly Study Bill 554)

JAN 30 1980

Place On Calendar

Passed House, Date 3-12-80 (7-484) Passed Senate, Date _____
Vote: Ayes 97 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to establish a dissolution commission, prescribe its
2 duties, and provide for the dissolution of a school dis-
3 trict.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

2340

1 Section 1. Chapter two hundred seventy-five (275), Code
2 1979, is amended by adding sections two (2) through six (6)
3 of this Act.

4 Sec. 2. NEW SECTION. DISSOLUTION COMMISSION. As an
5 alternative to school district reorganization prescribed in
6 this chapter, the board of directors of a school district
7 may establish a school district dissolution commission to
8 prepare a proposal of dissolution of the school district and
9 attachment of all of the school district to one or more
10 contiguous school districts.

11 The dissolution commission shall consist of seven members
12 appointed by the board for a term of office ending either
13 with a report to the board that no proposal can be approved
14 or on the date of the election on the proposal. Members of
15 the dissolution commission must be eligible electors who
16 reside in the school district, not more than three of whom
17 may be members of the board of directors of the school
18 district. Members shall be appointed from throughout the
19 school district and should represent the various socio-economic
20 factors present in the school district.

21 Members of the dissolution commission shall serve without
22 compensation and may be appointed to a subsequent commission.
23 A vacancy on the commission shall be filled in the same manner
24 as the original appointment was made.

25 The board of the school district shall certify to the area
26 education agency board that a commission has been formed,
27 the names and addresses of commission members, and that the
28 commission members represent the various geographic areas
29 and socio-economic factors present in the district.

30 Sec. 3. NEW SECTION. MEETINGS. The commission shall
31 hold an organizational meeting not more than fifteen days
32 after its appointment and shall elect a chairperson and vice
33 chairperson from its membership. Thereafter the commission
34 may meet as often as deemed necessary upon the call of the
35 chairperson or a majority of the commission members.

1 The commission shall request statements from contiguous
2 school districts outlining each district's willingness to
3 accept attachments of the affected school district to the
4 contiguous districts and what conditions, if any, the
5 contiguous school district recommends. The commission shall
6 meet with boards of contiguous school districts and with
7 residents of the affected school district to the extent
8 possible in drawing up the dissolution proposal. The
9 commission may seek assistance from the area education agency
10 and the department of public instruction.

11 Sec. 4. NEW SECTION. DISSOLUTION PROPOSAL. The commission
12 shall send a copy of its dissolution proposal or shall inform
13 the board that it cannot agree upon a dissolution proposal
14 not later than one year following the date of the
15 organizational meeting of the commission. The dissolution
16 proposal must be approved by the boards of directors of all
17 school districts to which area of the affected school district
18 will be attached before the proposal can be adopted by the
19 commission.

20 If the commission and the boards of contiguous school
21 districts cannot agree upon a dissolution proposal prior to
22 the expiration of its term, the board may appoint a new
23 commission.

24 Sec. 5. NEW SECTION. HEARING. Within ten days following
25 the filing of the dissolution proposal with the board, the
26 board shall fix a date for a hearing on the proposal which
27 shall not be more than sixty days after the dissolution
28 petition was filed with the board. The board shall publish
29 notice of the date, time, and location of the hearing at least
30 ten days prior to the date of the hearing by one publication
31 in a newspaper in general circulation in the district. The
32 notice shall include the content of the dissolution proposal.
33 A person residing or owning land in the school district may
34 present evidence and arguments at the hearing. The chairperson
35 of the commission shall preside at the hearing. The commission

1 shall review testimony from the hearing, and if changes are
2 made by the commission, approval of the changes in the
3 dissolution proposal shall be required from contiguous school
4 districts.

5 Sec. 6. NEW SECTION. ELECTION. The board of the school
6 district shall call a special election to be held not later
7 than forty days following the date of the final hearing on
8 the dissolution proposal. The special election may be held
9 at the same time as the regular school election. The
10 proposition submitted to the voters residing in the school
11 district at the special election shall describe each separate
12 area to be attached to a contiguous school district and shall
13 name the school district to which it will be attached.

14 The board shall give written notice of the proposed date
15 of the election to the county commissioner of elections.
16 The proposed date shall be pursuant to sections thirty-nine
17 point two (39.2), subsections one (1) and two (2) and forty-
18 seven point six (47.6), subsections one (1) and two (2) of
19 the Code. The county commissioner of elections shall give
20 notice of the election by one publication in the same newspaper
21 in which the previous notice was published about the hearing,
22 which publication shall not be less than four nor more than
23 twenty days prior to the election.

24 The proposition shall be adopted if a majority of the
25 electors voting on the proposition approve its adoption.

26 The attachment is effective July first following its
27 approval.

28 Sec. 7. Section two hundred seventy-four point four
29 (274.4), Code 1979, is amended to read as follows:

30 274.4 RECORD OF REORGANIZATION FILED. When an election
31 on the proposition of organizing, reorganizing, enlarging,
32 or changing the boundaries of any school corporation, or on
33 the proposition of dissolving a school district, carries by
34 the required statutory margin, or the boundary lines of
35 contiguous school corporations are changed by the concurrent

1 action of the respective boards of directors, the secretary
2 of said the school corporation, shall file a written
3 description of the new boundaries of the school corporation
4 in the office of the county auditor of each county in which
5 any portion of the school corporation lies.

6 Sec. 8. Section two hundred seventy-nine point forty
7 (279.40), unnumbered paragraph four (4), Code 1979, is amended
8 to read as follows:

9 Cumulation of sick leave ~~by-virtue-of~~ under this section
10 shall not be affected or terminated ~~by-reason-of~~ due to the
11 organization or dissolution of a community school district
12 or districts which include all or the portion of the district
13 which employed the particular public school employee for the
14 school year previous to ~~such~~ the organization or dissolution,
15 if ~~such~~ the employee is employed by one of ~~such~~ the community
16 school districts for the first school year following its
17 organization or dissolution.

18 Sec. 9. The boards of school districts to which portions
19 of a dissolving district are attached shall give preference
20 in employment to qualified personnel who were employees of
21 the dissolving school district during the previous school
22 year.

23 EXPLANATION

24 This bill allows school boards to establish dissolution
25 commissions to study and make recommendations on the
26 dissolution of a school district and the attachment of it
27 to one or more contiguous school districts. The commission
28 has one year to formulate a proposal. The bill provides for
29 a public hearing and requires that the proposal be adopted
30 by a majority of the voters voting on the proposal at the
31 special election. It allows employees of the dissolving
32 district who are employed by one of the districts to which
33 a portion of the dissolving district is attached to carry
34 over sick leave accumulation and gives preference in employment
35 to employees of a dissolving district. This bill takes effect
36 July first following its enactment.

HOUSE FILE 2340

H-5212

1 Amend House File 2340 as follows:
2 1. Page 4, by striking lines 18 through 22 and
3 inserting in lieu thereof the following:
4 "Sec. _____. If the enrollment of a school district
5 increases or is expected to increase because an
6 adjacent district has dissolved or is expected to
7 dissolve, the board of directors of the school district
8 shall determine whether there is a need to hire
9 additional certificated or noncertificated employees.
10 If the board of directors determines that there is
11 a need to hire additional employees, the board shall
12 determine the nature and number of the necessary new
13 positions. Individuals who were employees of the
14 dissolved district may apply for the new positions.
15 The board shall hire those applicants who were
16 employees of the dissolved district whenever the
17 applicant is certificated for the new position or,
18 in the case of noncertificated personnel, is otherwise
19 qualified. If two employees of the dissolved district
20 apply for a single certificated position, the applicant
21 who is best qualified in the opinion of the board
22 shall be hired. The board is not required to hire
23 applicants who were employees of the dissolved district
24 if the district has been dissolved for two or more
25 school years. Applicants who are reemployed under
26 this section shall maintain in the reemploying district
27 those benefits which were earned during employment
28 with the dissolving school district under a statutory
29 or contractual provision, including, but not limited
30 to, salary or alternatively placement on a salary
31 schedule based on years of experience, sick leave,
32 and completion of probationary status as defined by
33 section two hundred seventy-nine point nineteen
34 (279.19) of the Code. It is unlawful for a school
35 district to prejudicially deny the preference for
36 reemployment which is granted by this section to an
37 applicant who is qualified for the preference."

H-5212 FILED
FEBRUARY 12, 1980
UNANIMOUS CONSENT TO
SUSPEND RULES & CONSIDER
ADOPTED (p. 484)

By MENKE of O'Brien
HANSEN of O'Brien

HOUSE FILE 2340

H-5202

1 Amend House File 2340 as follows:
2 1. Page 3, by inserting after line 4 the follow-
3 ing:
4 "If a dissolution proposal adopted by a board
5 contains provisions that ninety-five percent or more
6 of the taxable valuation of the dissolving district
7 would be assumed and attached to a single school
8 district, the dissolving school district shall cease
9 further proceedings to dissolve and shall comply
10 with chapter two hundred seventy-five (275) of the
11 Code."

H-5202 FILED
FEBRUARY 11, 1980
Adopted 2/12 (p. 483)

By STROMER of Hancock

HOUSE FILE 2340

H-5201

1 Amend House File 2340 as follows:
2 1. Page 2, by striking line 35 and inserting in
3 lieu thereof the words "of the board shall preside
4 at the hearing. The board".
5 2. Page 3, line 1, by striking the words ", and
6 if" and inserting in lieu thereof the words "and shall
7 adopt or amend and adopt the dissolution proposal.
8 If"
9 3. Page 3, line 2, by striking the word
10 "commission" and inserting in lieu thereof the word
11 "board".

H-5201 FILED
FEBRUARY 11, 1980
Adopted 2/12 (p. 482)

By STROMER of Hancock

*Amended per 5631 in H. Passed 4/11 (p. 1264)
Iowa State Board 4/10, H. Passed 4/11 (p. 1267)*

(As Amended and Passed by the House)

As Passed House, Date 4/25/80 (p. 2097) Passed Senate, Date 4/11/80 (p. 1398)

Vote: Ayes 94 Nays 0 Vote: Ayes 43 Nays 4

Approved May 17, 1980

Motion to reconsider. Prevalent 4/14

*Passed Senate 4/14/80 (p. 1409)
47-0*

A BILL FOR

1 An Act to establish a dissolution commission, prescribe its
2 duties, and provide for the dissolution of a school dis-
3 trict.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

House Amendments _____

1 Section 1. Chapter two hundred seventy-five (275), Code
2 1979, is amended by adding sections two (2) through six (6)
3 of this Act.

4 Sec. 2. NEW SECTION. DISSOLUTION COMMISSION. As an
5 alternative to school district reorganization prescribed in
6 this chapter, the board of directors of a school district
7 may establish a school district dissolution commission to
8 prepare a proposal of dissolution of the school district and
9 attachment of all of the school district to one or more
10 contiguous school districts.

11 The dissolution commission shall consist of seven members
12 appointed by the board for a term of office ending either
13 with a report to the board that no proposal can be approved
14 or on the date of the election on the proposal. Members of
15 the dissolution commission must be eligible electors who
16 reside in the school district, not more than three of whom
17 may be members of the board of directors of the school
18 district. Members shall be appointed from throughout the
19 school district and should represent the various socio-economic
20 factors present in the school district.

21 Members of the dissolution commission shall serve without
22 compensation and may be appointed to a subsequent commission.
23 A vacancy on the commission shall be filled in the same manner
24 as the original appointment was made.

25 The board of the school district shall certify to the area
26 education agency board that a commission has been formed,
27 the names and addresses of commission members, and that the
28 commission members represent the various geographic areas
29 and socio-economic factors present in the district.

30 Sec. 3. NEW SECTION. MEETINGS. The commission shall
31 hold an organizational meeting not more than fifteen days
32 after its appointment and shall elect a chairperson and vice
33 chairperson from its membership. Thereafter the commission
34 may meet as often as deemed necessary upon the call of the
35 chairperson or a majority of the commission members.

1 The commission shall request statements from contiguous
2 school districts outlining each district's willingness to
3 accept attachments of the affected school district to the
4 contiguous districts and what conditions, if any, the
5 contiguous school district recommends. The commission shall
6 meet with boards of contiguous school districts and with
7 residents of the affected school district to the extent
8 possible in drawing up the dissolution proposal. The
9 commission may seek assistance from the area education agency
10 and the department of public instruction.

11 Sec. 4. NEW SECTION. DISSOLUTION PROPOSAL. The commission
12 shall send a copy of its dissolution proposal or shall inform
13 the board that it cannot agree upon a dissolution proposal
14 not later than one year following the date of the
15 organizational meeting of the commission. The dissolution
16 proposal must be approved by the boards of directors of all
17 school districts to which area of the affected school district
18 will be attached before the proposal can be adopted by the
19 commission.

20 If the commission and the boards of contiguous school
21 districts cannot agree upon a dissolution proposal prior to
22 the expiration of its term, the board may appoint a new
23 commission.

24 Sec. 5. NEW SECTION. HEARING. Within ten days following
25 the filing of the dissolution proposal with the board, the
26 board shall fix a date for a hearing on the proposal which
27 shall not be more than sixty days after the dissolution
28 petition was filed with the board. The board shall publish
29 notice of the date, time, and location of the hearing at least
30 ten days prior to the date of the hearing by one publication
31 in a newspaper in general circulation in the district. The
32 notice shall include the content of the dissolution proposal.
33 A person residing or owning land in the school district may
34 present evidence and arguments at the hearing. The chairperson
35 of the board shall preside at the hearing. The board shall

1 review testimony from the hearing and shall adopt or amend
2 and adopt the dissolution proposal. If changes are made by
3 the board, approval of the changes in the dissolution proposal
4 shall be required from contiguous school districts.

5 If a dissolution proposal adopted by a board contains
6 provisions that ninety-five percent or more of the taxable
7 valuation of the dissolving district would be assumed and
8 attached to a single school district, the dissolving school
9 district shall cease further proceedings to dissolve and shall
10 comply with chapter two hundred seventy-five (275) of the
11 Code.

12 Sec. 6. NEW SECTION. ELECTION. The board of the school
13 district shall call a special election to be held not later
14 than forty days following the date of the final hearing on
15 the dissolution proposal. The special election may be held
16 at the same time as the regular school election. The
17 proposition submitted to the voters residing in the school
18 district at the special election shall describe each separate
19 area to be attached to a contiguous school district and shall
20 name the school district to which it will be attached.

21 The board shall give written notice of the proposed date
22 of the election to the county commissioner of elections.
23 The proposed date shall be pursuant to sections thirty-nine
24 point two (39.2), subsections one (1) and two (2) and forty-
25 seven point six (47.6), subsections one (1) and two (2) of
26 the Code. The county commissioner of elections shall give
27 notice of the election by one publication in the same newspaper
28 in which the previous notice was published about the hearing,
29 which publication shall not be less than four nor more than
30 twenty days prior to the election.

31 The proposition shall be adopted if a majority of the
32 electors voting on the proposition approve its adoption.

33 The attachment is effective July first following its
34 approval.

35 Sec. 7. Section two hundred seventy-four point four

1 (274.4), Code 1979, is amended to read as follows:

2 274.4 RECORD OF REORGANIZATION FILED. When an election
3 on the proposition of organizing, reorganizing, enlarging,
4 or changing the boundaries of any school corporation, or on
5 the proposition of dissolving a school district, carries by
6 the required statutory margin, or the boundary lines of
7 contiguous school corporations are changed by the concurrent
8 action of the respective boards of directors, the secretary
9 of said the school corporation, shall file a written
10 description of the new boundaries of the school corporation
11 in the office of the county auditor of each county in which
12 any portion of the school corporation lies.

13 Sec. 8. Section two hundred seventy-nine point forty
14 (279.40), unnumbered paragraph four (4), Code 1979, is amended
15 to read as follows:

16 Cumulation of sick leave ~~by-virtue-of~~ under this section
17 shall not be affected or terminated ~~by-reason-of~~ due to the
18 organization or dissolution of a community school district
19 or districts which include all or the portion of the district
20 which employed the particular public school employee for the
21 school year previous to ~~such~~ the organization or dissolution,
22 if ~~such~~ the employee is employed by one of ~~such~~ the community
23 school districts for the first school year following its
24 organization or dissolution.

5287
5665

25 Sec. 9. If the enrollment of a school district increases
26 or is expected to increase because an adjacent district has
27 dissolved or is expected to dissolve, the board of directors
28 of the school district shall determine whether there is a
29 need to hire additional certificated or noncertificated
30 employees. If the board of directors determines that there
31 is a need to hire additional employees, the board shall
32 determine the nature and number of the necessary new positions.
33 Individuals who were employees of the dissolved district may
34 apply for the new positions. The board shall hire those
35 applicants who were employees of the dissolved district

1 whenever the applicant is certificated for the new position
2 or, in the case of noncertificated personnel, is otherwise
3 qualified. If two employees of the dissolved district apply
4 for a single certificated position, the applicant who is best
5 qualified in the opinion of the board shall be hired. The
6 board is not required to hire applicants who were employees
7 of the dissolved district if the district has been dissolved
8 for two or more school years. Applicants who are reemployed
9 under this section shall maintain in the reemploying district
10 those benefits which were earned during employment with the
11 dissolving school district under a statutory or contractual
12 provision, including, but not limited to, salary or
13 alternatively placement on a salary schedule based on years
14 of experience, sick leave, and completion of probationary
15 status as defined by section two hundred seventy-nine point
16 nineteen (279.19) of the Code. It is unlawful for a school
17 district to prejudicially deny the preference for reemployment
18 which is granted by this section to an applicant who is
19 qualified for the preference.

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

S-5631

- 1 Amend House File 2340 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "districts" the words "and to include in the proposal
- 5 a division of the assets and liabilities of the
- 6 dissolving school district".
- 7 2. Page 2, line 15, by striking the word
- 8 "dissolution" and inserting in lieu thereof the word
- 9 "commission".
- 10 3. Page 2, by striking line 16 and inserting in
- 11 lieu thereof the words "shall also send a copy of
- 12 the dissolution proposal by registered mail to the
- 13 boards of directors of all".
- 14 4. Page 2, by striking lines 18 and 19 and
- 15 inserting in lieu thereof the words "will be attached.
- 16 If the board of a district to which area of the
- 17 affected school district will be attached objects
- 18 to the attachment, within ten days following receipt
- 19 of the dissolution proposal the board shall send its
- 20 objections in writing to the commission. The
- 21 commission may consider the objections and may modify
- 22 the dissolution proposal. If the dissolution proposal
- 23 is modified, the commission shall notify by registered
- 24 mail the boards of directors of all school districts
- 25 to which area of the affected school district will
- 26 be attached."
- 27 5. Page 2, lines 20 and 21, by striking the word
- 28 "and the boards of contiguous school districts".
- 29 6. Page 2, line 34, by striking the word
- 30 "chairperson" and inserting in lieu thereof the word
- 31 "president".
- 32 7. Page 3, line 2, by striking the words "If
- 33 changes are made by".
- 34 8. Page 3, by striking lines 3 and 4 and inserting
- 35 in lieu thereof the words "The board shall notify
- 36 by registered mail the boards of directors of all
- 37 school districts to which area of the affected school
- 38 district will be attached and the state board of
- 39 public instruction of the contents of the dissolution
- 40 proposal adopted by the board. If the board of a
- 41 district to which area of the affected school district
- 42 will be attached objects to the attachment, that
- 43 portion of the dissolution proposal will not be
- 44 included in the proposal voted upon under section
- 45 six (6) of this Act and the state board of public
- 46 instruction shall attach the area to a contiguous
- 47 school district. If the board of a district to which
- 48 area of the affected school district will be attached
- 49 objects to the division of assets and liabilities
- 50 contained in the dissolution proposal, section two

S-5631
PAGE 2

1 hundred seventy-five point thirty (275.30) of the
2 Code shall apply for the division of assets and
3 liabilities to that district."
4 9. Page 3, by striking lines 10 and 11, and
5 inserting in lieu thereof the words "comply with
6 reorganization procedures specified in this chapter."
7 10. Page 5, line 8, by striking the word "two"
8 and inserting in lieu thereof the word "one".
9 11. Page 5, by striking lines 10, 11 and 12 and
10 inserting in lieu thereof the words "vacation, salary
11 or".
12 12. Page 5, line 13, by inserting after the words
13 "based on" the words "the employee's".
14 13. Page 5, by striking lines 16 through 19 and
15 inserting in lieu thereof the words and figure
16 "nineteen (279.19) of the Code."

S-5631 FILED
APRIL 2, 1980

Adopted 4/11 (p. 1297)

BY COMMITTEE ON EDUCATION
WILLARD R. HANSEN, CHAIRPERSON

HOUSE FILE 2340

S-5685

1 Amend House File 2340, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 29, by striking the words
4 "certificated or noncertificated".
5 2. By striking page 4, line 34 through page 5,
6 line 3 and inserting in lieu thereof the following:
7 "apply for the new positions. The board shall give
8 preference to qualified personnel from the dissolved
9 school district who seek employment with the school
10 district. If two employees of the dissolved district
11 apply".
12 3. Page 5, line 4, by striking the word
13 "certificated".

S-5685 FILED
APRIL 9, 1980

*Adopted 4/11 (p. 1385)
Reconsidered
Lost 4/14 (p. 1429)*

BY CLARENCE CARNEY
RAY TAYLOR
JOHN W. JENSEN

SENATE AMENDMENT TO
HOUSE FILE 2340

H-3082

1 Amend House File 2340 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 10, by inserting after the word
4 "districts" the words "and to include in the proposal
5 a division of the assets and liabilities of the
6 dissolving school district".
7 2. Page 2, line 15, by striking the word
8 "dissolution" and inserting in lieu thereof the word
9 "commission".
10 3. Page 2, by striking line 16 and inserting in
11 lieu thereof the words "shall also send a copy of
12 the dissolution proposal by registered mail to the
13 boards of directors of all".
14 4. Page 2, by striking lines 18 and 19 and
15 inserting in lieu thereof the words "will be attached.
16 If the board of a district to which area of the
17 affected school district will be attached objects
18 to the attachment, within ten days following receipt
19 of the dissolution proposal the board shall send its
20 objections in writing to the commission. The
21 commission may consider the objections and may modify
22 the dissolution proposal. If the dissolution proposal
23 is modified, the commission shall notify by registered
24 mail the boards of directors of all school districts
25 to which area of the affected school district will
26 be attached."
27 5. Page 2, lines 20 and 21, by striking the word
28 "and the boards of contiguous school districts".
29 6. Page 2, line 34, by striking the word
30 "chairperson" and inserting in lieu thereof the word
31 "president".
32 7. Page 3, line 2, by striking the words "If
33 changes are made by".
34 8. Page 3, by striking lines 3 and 4 and inserting
35 in lieu thereof the words "The board shall notify
36 by registered mail the boards of directors of all
37 school districts to which area of the affected school
38 district will be attached and the state board of
39 public instruction of the contents of the dissolution
40 proposal adopted by the board. If the board of a
41 district to which area of the affected school district
42 will be attached objects to the attachment, that
43 portion of the dissolution proposal will not be
44 included in the proposal voted upon under section
45 six (6) of this Act and the state board of public
46 instruction shall attach the area to a contiguous
47 school district. If the board of a district to which
48 area of the affected school district will be attached
49 objects to the division of assets and liabilities
50 contained in the dissolution proposal, section two

APRIL 16, 1980
PAGE THREE

H-6082
Page Two

- 1 hundred seventy-five point thirty (275.30) of the
2 Code shall apply for the division of assets and
3 liabilities to that district."
4 9. Page 3, by striking lines 10 and 11, and
5 inserting in lieu thereof the words "comply with
6 reorganization procedures specified in this chapter."
7 10. Page 5, line 8, by striking the word "two"
8 and inserting in lieu thereof the word "one".
9 11. Page 5, by striking lines 10, 11 and 12 and
10 inserting in lieu thereof the words "vacation, salary
11 or".
12 12. Page 5, line 13, by inserting after the words
13 "based on" the words "the employee's".
14 13. Page 5, by striking lines 16 through 19 and
15 inserting in lieu thereof the words and figure
16 "nineteen (279.19) of the Code."

H-6082 FILED APRIL 15, 1980

RECEIVED FROM THE SENATE

House considered 4/25 (p 2097)

HOUSE FILE 2340

AN ACT

TO ESTABLISH A DISSOLUTION COMMISSION, PRESCRIBE ITS DUTIES,
AND PROVIDE FOR THE DISSOLUTION OF A SCHOOL DISTRICT.

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

Section 1. Chapter two hundred seventy-five (275), Code 1979, is amended by adding sections two (2) through six (6) and nine (9) of this Act.

Sec. 2. NEW SECTION. DISSOLUTION COMMISSION. As an alternative to school district reorganization prescribed in this chapter, the board of directors of a school district may establish a school district dissolution commission to prepare a proposal of dissolution of the school district and attachment of all of the school district to one or more contiguous school districts and to include in the proposal a division of the assets and liabilities of the dissolving school district.

The dissolution commission shall consist of seven members appointed by the board for a term of office ending either with a report to the board that no proposal can be approved or on the date of the election on the proposal. Members of the dissolution commission must be eligible electors who reside in the school district, not more than three of whom may be members of the board of directors of the school district. Members shall be appointed from throughout the school district and should represent the various socio-economic factors present in the school district.

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

The board of the school district shall certify to the area education agency board that a commission has been formed, the names and addresses of commission members, and that the commission members represent the various geographic areas and socio-economic factors present in the district.

Sec. 3. NEW SECTION. MEETINGS. The commission shall hold an organizational meeting not more than fifteen days after its appointment and shall elect a chairperson and vice chairperson from its membership. Thereafter the commission may meet as often as deemed necessary upon the call of the chairperson or a majority of the commission members.

The commission shall request statements from contiguous school districts outlining each district's willingness to accept attachments of the affected school district to the contiguous districts and what conditions, if any, the contiguous school district recommends. The commission shall meet with boards of contiguous school districts and with residents of the affected school district to the extent possible in drawing up the dissolution proposal. The commission may seek assistance from the area education agency and the department of public instruction.

Sec. 4. NEW SECTION. DISSOLUTION PROPOSAL. The commission shall send a copy of its dissolution proposal or shall inform the board that it cannot agree upon a dissolution proposal not later than one year following the date of the organizational meeting of the commission. The commission shall also send a copy of the dissolution proposal by registered mail to the boards of directors of all school districts to which area of the affected school district will be attached. If the board of a district to which area of the affected school district will be attached objects to the attachment, within ten days following receipt of the dissolution proposal the board shall send its objections in writing to the commission. The commission may consider the objections and may modify the dissolution proposal. If the

dissolution proposal is modified, the commission shall notify by registered mail the boards of directors of all school districts to which area of the affected school district will be attached.

If the commission cannot agree upon a dissolution proposal prior to the expiration of its term, the board may appoint a new commission.

Sec. 5. NEW SECTION. HEARING. Within ten days following the filing of the dissolution proposal with the board, the board shall fix a date for a hearing on the proposal which shall not be more than sixty days after the dissolution petition was filed with the board. The board shall publish notice of the date, time, and location of the hearing at least ten days prior to the date of the hearing by one publication in a newspaper in general circulation in the district. The notice shall include the content of the dissolution proposal. A person residing or owning land in the school district may present evidence and arguments at the hearing. The president of the board shall preside at the hearing. The board shall review testimony from the hearing and shall adopt or amend and adopt the dissolution proposal. The board shall notify by registered mail the boards of directors of all school districts to which area of the affected school district will be attached and the state board of public instruction of the contents of the dissolution proposal adopted by the board. If the board of a district to which area of the affected school district will be attached objects to the attachment, that portion of the dissolution proposal will not be included in the proposal voted upon under section six (6) of this Act and the state board of public instruction shall attach the area to a contiguous school district. If the board of a district to which area of the affected school district will be attached objects to the division of assets and liabilities contained in the dissolution proposal, section two hundred seventy-five point thirty (275.30) of the Code shall apply for the division of assets and liabilities to that district.

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

Sec. 6. NEW SECTION. ELECTION. The board of the school district shall call a special election to be held not later than forty days following the date of the final hearing on the dissolution proposal. The special election may be held at the same time as the regular school election. The proposition submitted to the voters residing in the school district at the special election shall describe each separate area to be attached to a contiguous school district and shall name the school district to which it will be attached.

The board shall give written notice of the proposed date of the election to the county commissioner of elections. The proposed date shall be 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. The county commissioner of elections shall give notice of the election by one publication in the same newspaper in which the previous notice was published about the hearing, which publication shall not be less than four nor more than twenty days prior to the election.

The proposition shall be adopted if a majority of the electors voting on the proposition approve its adoption.

The attachment is effective July first following its approval.

Sec. 7. Section two hundred seventy-four point four (274.4), Code 1979, is amended to read as follows:

274.4 RECORD OF REORGANIZATION FILED. When an election on the proposition of organizing, reorganizing, enlarging, or changing the boundaries of any school corporation, or on

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

Sec. 8. Section two hundred seventy-nine point forty (279.40), unnumbered paragraph four (4), Code 1979, is amended to read as follows:

Cumulation of sick leave ~~by virtue of~~ under this section shall not be affected or terminated ~~by reason of~~ due to the organization or dissolution of a community school district or districts which include all or the portion of the district which employed the particular public school employee for the school year previous to ~~such~~ the organization or dissolution, if ~~such~~ the employee is employed by one of ~~such~~ the community school districts for the first school year following its organization or dissolution.

Sec. 9. If the enrollment of a school district increases or is expected to increase because an adjacent district has dissolved or is expected to dissolve, the board of directors of the school district shall determine whether there is a need to hire additional certificated or noncertificated employees. If the board of directors determines that there is a need to hire additional employees, the board shall determine the nature and number of the necessary new positions. Individuals who were employees of the dissolved district may apply for the new positions. The board shall hire those applicants who were employees of the dissolved district whenever the applicant is certificated for the new position or, in the case of noncertificated personnel, is otherwise qualified. If two employees of the dissolved district apply for a single certificated position, the applicant who is best

qualified in the opinion of the board shall be hired. The board is not required to hire applicants who were employees of the dissolved district if the district has been dissolved for one or more school years. Applicants who are reemployed under this section shall maintain in the reemploying district vacation, salary or alternatively placement on a salary schedule based on the employee's years of experience, sick leave, and completion of probationary status as defined by section two hundred seventy-nine point nineteen (279.19) of the Code.

WILLIAM H. HARBOR
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2340, Sixty-eighth General Assembly.

BRUCE GRAHAM
Assistant Chief Clerk of the House

Approved May 17, 1980

ROBERT D. RAY
Governor