

Reprinted 3/19

MAR 6 1984

HOUSE FILE 2458

Place On Calendar

BY COMMITTEE ON EDUCATION

(Formerly Study Bill 727)

Passed House, Date 3-15-84 (p. 1061) Passed Senate, Date _____

Vote: Ayes 82 Nays 15 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to school district reorganization procedures.

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

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HF 2458

1 Section 1. Section 275.1, Code 1983, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. As used in this chapter unless
4 the context otherwise requires:

5 1. "Eligible elector" means eligible elector as defined
6 in section 39.3, subsection 1.

7 2. "Qualified elector" means qualified elector as defined
8 in section 39.3, subsection 2.

9 3. "School districts affected" means the school districts
10 named in the reorganization petition whether a school dis-
11 trict is affected in whole or in part.

12 Sec. 2. Section 275.2, Code 1983, is amended to read as
13 follows:

14 275.2 SCOPE OF SURVEYS. The scope of ~~such~~ the studies
15 and surveys shall include the following matters in the various
16 districts in the area education agency and all districts
17 adjacent to the area education agency: The adequacy of the
18 educational program, ~~average-daily-attendance-of-pupils~~ pupil
19 enrollment, property valuations, existing buildings and
20 equipment, natural community areas, road conditions,
21 transportation, economic factors, individual attention given
22 to the needs of students, the opportunity of students to
23 participate in a wide variety of activities related to the
24 total development of the student, and ~~such~~ other matters that
25 may bear on educational programs meeting minimum standards
26 required by law. The plans shall also include suggested
27 alternate plans that incorporate the school districts in the
28 area education agency into reorganized districts that meet
29 the enrollment standards specified in section 275.3 and may
30 include alternate plans proposed by school districts for
31 sharing programs under section 280.15, 257.28, or 282.7 as
32 an alternative to school reorganization.

33 Sec. 3. Section 275.4, unnumbered paragraph 1, Code 1983,
34 is amended to read as follows:

35 In developing studies and surveys the area education agency

1 board shall consult with the officials of affected school
2 districts in the area and other citizens, and shall from time
3 to time hold public hearings, and may employ such research
4 and other assistance as it may determine reasonably necessary
5 in order to properly carry on its survey and prepare definite
6 plans of reorganization.

7 Sec. 4. Section 275.5, Code 1983, is amended to read as
8 follows:

9 275.5 PROPOSALS FOR MERGER OR CONSOLIDATION. Any A
10 proposal for merger, consolidation, or boundary change of
11 local school districts shall first be submitted to the area
12 education agency board following the procedure prescribed
13 in this chapter. Following receipt of a petition pursuant
14 to section 275.12, the area education agency board shall
15 review its plans and determine whether the petition complies
16 with the plans which had been adopted by the board. If the
17 petition does not comply with the plans which had been adopted
18 by the board, the board shall conduct further surveys pursuant
19 to section 275.4 prior to the date set for the hearing upon
20 the petition. If further surveys have been conducted by the
21 board, the board shall present the results of the further
22 surveys at the hearing upon the petition.

23 Sec. 5. Section 275.8, subsection 2, Code 1983, is amended
24 to read as follows:

25 2. Adoption of ~~such~~ the written joint plan at a joint
26 session of the several area education agency boards in whose
27 areas ~~such~~ the territory is situated. ~~Votes-of-each-member~~
28 ~~of-an-area-education-agency-board-shall-be-weighted-so-that~~
29 ~~the-total-number-of-votes-eligible-to-be-cast-by-members-of~~
30 ~~each-board-shall-be-equal-~~ A quorum of each of the boards
31 is necessary to transact business. Votes shall be taken in
32 the manner prescribed in section 275.16.

33 Sec. 6. Section 275.12, subsection 1, Code Supplement
34 1983, is amended to read as follows:

35 1. A petition describing the boundaries, or accurately

1 describing the area included therein by legal descriptions,
2 of the proposed district, which boundaries or area described
3 shall conform to plans developed or the petition shall request
4 change of the plan, shall be filed with the area education
5 agency administrator of the area education agency in which
6 the greatest number of qualified electors reside. However,
7 the area education agency administrator shall not accept a
8 petition if any of the school districts affected have approved
9 the issuance of general obligation bonds at an election
10 pursuant to section 296.6 during the preceding six-month
11 period. The petition shall be signed by ~~voters~~ qualified
12 electors in each existing school district or portion affected
13 equal in number to at least twenty percent of the number of
14 ~~eligible-voters~~ qualified electors or four hundred ~~voters~~
15 qualified electors, whichever is the smaller number. ~~School~~
16 ~~district-or-portion-affected-means-the-area-to-be-included~~
17 ~~in-the-plan-of-the-proposed-new-school-district.~~

18 Sec. 7. Section 275.12, subsection 2, unnumbered para-
19 graph 1, Code Supplement 1983, is amended to read as follows:
20 ~~Such~~ The petition filed under subsection 1 shall also state
21 the name of the proposed school district and the number of
22 directors which may be either five or seven and the method
23 of election of the school directors of the proposed district.
24 The method of election of the directors shall be one of the
25 following optional plans:

26 Sec. 8. Section 275.12, subsection 4, Code Supplement
27 1983, is amended to read as follows:

28 4. The area education agency board in reviewing ~~such~~ the
29 petition as provided in sections 275.15 and 275.16 shall
30 review the proposed method of election of school directors
31 and ~~shall-have-the-duty-and-authority-to~~ may change or amend
32 such the plan in any manner, including the changing of
33 boundaries of director districts if proposed, or to specify
34 a different method of electing school directors ~~on-the-basis~~
35 of-area, school-population, or-assessed-valuation as may be

1 required by law, justice, equity, and the interest of the
2 people. In such the action, the area education agency board
3 shall follow the same procedure as is required by sections
4 275.15 and 275.16 for other action on the petition by the
5 area education agency board.

6 Sec. 9. Section 275.12, Code Supplement 1983, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 4A. Notwithstanding section 76.2, the
9 area education agency board in reviewing the petition may
10 amend it and remove the property tax levy to pay the interest
11 and principal of bonds from taxable property that is severed
12 from the school district and will not become a part of the
13 reorganized school district.

14 Sec. 10. Section 275.15, Code 1983, is amended to read
15 as follows:

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

1 of appeal, only those school districts who filed reorganization
2 petitions are school districts affected. An appeal from a
3 decision of an area education agency board or joint area
4 education agency boards under section 275.4, 275.8, or this
5 section is subject to appeal procedures under this chapter
6 and is not subject to appeal under chapter 290.

7 Sec. 11. Section 275.16, unnumbered paragraph 1, Code
8 1983, is amended to read as follows:

9 If the territory described in the petition for the proposed
10 corporation lies in more than one area education agency, the
11 agency administrator with whom the petition is filed shall
12 fix the time and place for a hearing and call a joint meeting
13 of the members of all the agency boards in which any territory
14 of the proposed school corporation lies, to act as a single
15 board for the hearing of the ~~said~~ objections, and a majority
16 of ~~all~~ members of each of the agency boards of the different
17 agencies in which any part of the proposed corporation lies,
18 ~~shall-constitute~~ constitutes a quorum. The president of the
19 board of directors of the area education agency in which the
20 petition has been filed shall preside at the joint meeting.

21 The joint boards acting as a single board shall determine
22 whether the petition conforms to plans or, if the petition
23 requests a change in plans, whether ~~such~~ a change should be
24 made, and ~~shall-have-the-authority-to~~ may change the plans
25 of any or all the area education agency boards affected by
26 the petition, and it shall determine and fix boundaries for
27 the proposed corporation as provided in section 275.15 or
28 dismiss the petition. Votes of each member of an area
29 education agency board in attendance shall be weighted so
30 that the total number of votes eligible to be cast by members
31 of each board in attendance shall be equal. However, if ~~such~~
32 the joint boards cast a tie vote and are unable to agree to
33 an order fixing the boundaries for the proposed school district
34 or to an order to dismiss the petition, the time during which
35 ~~such~~ actions must be taken under ~~the-provisions-of~~ section

1 275.15 shall be extended from five days to fifteen days after
2 the conclusion of the hearing under ~~the provisions of~~ section
3 275.15, and ~~such~~ the joint board shall reconvene not less
4 than ten and not more than fifteen days after the conclusion
5 of ~~such~~ the hearing. At ~~such~~ the hearing the joint board
6 shall reconsider ~~their~~ its action and if a tie vote ~~shall~~
7 ~~again be~~ is again cast it ~~shall be deemed~~ is an order granting
8 the petition and changing the plans of any and all of the
9 agency boards affected by the petition and fixing the
10 boundaries for the proposed school corporation. The agency
11 administrator shall at once publish the decision in the same
12 newspaper in which the original notice was published.

13 Sec. 12. Section 275.27, Code 1983, is amended to read
14 as follows:

15 275.27 NAMES. School districts created or enlarged under
16 ~~the provisions of~~ this chapter ~~shall be known as~~ are community
17 school districts and ~~shall be~~ are part of the area education
18 agency in which the greatest number of qualified electors
19 of ~~said~~ the district reside at the time of the special election
20 called for in section 275.18, ~~and this provision pertaining~~
21 ~~to greatest number of electors shall be in full force and~~
22 ~~effect any statute to the contrary notwithstanding,~~ and all
23 ~~provisions of the law~~ sections of the Code applicable to the
24 common schools generally ~~shall be~~ are applicable to ~~such~~ these
25 districts in addition to the powers and privileges conferred
26 by this chapter.

27 Sec. 13. Section 275.29, Code 1983, is amended to read
28 as follows:

29 275.29 DIVISION OF ASSETS AND LIABILITIES AFTER
30 REORGANIZATION. Between July 1 and July 20, the board of
31 directors of the newly formed community school district shall
32 meet with the boards of all the old districts, or parts of
33 districts, affected by the organization of the new school
34 corporation for the purpose of reaching joint agreement on
35 an equitable division of the assets of the several school

1 corporations or parts ~~thereof~~ of school corporations and an
2 equitable distribution of the liabilities of the affected
3 corporations or parts ~~thereof~~ of corporations.

4 Sec. 14. Section 275.31, Code 1983, is amended to read
5 as follows:

6 275.31 TAXES TO EFFECT EQUALIZATION. If necessary to
7 equalize ~~such~~ a division and distribution of assets and
8 liabilities, the board or boards may provide for the levy
9 of additional taxes upon the property of any corporation or
10 part of corporation and for the distribution of the ~~same~~ taxes
11 so as to effect ~~such~~ the equalization. Notwithstanding section
12 76.2, as a part of the agreement on the division of assets
13 and liabilities, the board or boards may agree to discontinue
14 a levy to pay the interest and principal of bonds from taxable
15 property that has been severed from the school district and
16 will not become a part of the reorganized school district.

17 EXPLANATION

18 This bill makes a number of technical or clarifying changes
19 in the school reorganization laws. It establishes the meanings
20 of eligible elector, qualified elector, and school districts
21 affected in a reorganization proceeding. It requires that
22 the area education agency boards develop alternate plans for
23 reorganization and that the plans be periodically revised.
24 It provides how meetings will be conducted when two area
25 education agencies are involved in a reorganization. It re-
26 quires that a reorganization petition state the name of the
27 reorganized district. It allows the area education agency
28 boards to exempt from the property tax levy for bonded
29 indebtedness portions of school districts that are not part
30 of a reorganized district. It also provides that under a
31 division of assets and liabilities, portions of school dis-
32 tricts not a part of the reorganization can also be exempted
33 from the levy for bonded indebtedness. It also clarifies
34 appeal procedures.

35 The bill takes effect July 1 following its enactment.

HOUSE FILE 2458

H-5581

1 Amend House File 2458 as follows:

2 1. Page 7, by inserting after line 16 the
3 following:

4 "Sec. 100. As used in sections 101 through 106
5 of this Act:

6 1. "Commission" means the temporary school district
7 reorganization advisory commission established pursuant
8 to sections 101 through 106 of this Act.

9 2. "Four selecting authorities" means:

10 a. The majority floor leader of the state senate.

11 b. The minority floor leader of the state senate.

12 c. The majority floor leader of the state house
13 of representatives.

14 d. The minority floor leader of the state house
15 of representatives.

16 3. "Plan" means a plan for school district
17 reorganization drawn up pursuant to the requirements
18 of this Act.

19 Sec. 101. PREPARATIONS FOR REDISTRICTING.

20 1. The legislative service bureau shall acquire
21 appropriate information, review and evaluate available
22 facilities, and develop programs and procedures in
23 preparation for drawing school district reorganization
24 plans on the basis of school district projected
25 enrollments. Funds shall be expended for the purchase
26 or lease of equipment and materials only with prior
27 approval of the legislative council.

28 2. Not later than July 1, 1986, the legislative
29 service bureau shall obtain from the department of
30 public instruction present and projected enrollment
31 information and shall obtain other information
32 regarding geographic and political units in this state
33 deemed necessary for determining the boundary lines
34 for twenty-five school districts in this state.

35 3. The legislative service bureau shall prepare
36 maps of the various areas and political subdivisions
37 of this state which may be used to illustrate the
38 locations of school districts proposed in plans drawn
39 in accordance with section 103 of this Act.

40 Sec. 102. TIMETABLE FOR PREPARATION OF PLAN.

41 1. Not later than January 15, 1987, the legislative
42 service bureau shall deliver to the secretary of the
43 senate and the chief clerk of the house of
44 representatives identical bills embodying a plan of
45 school district reorganization prepared in accordance
46 with section 103 of this Act. It is the intent of
47 this Act that the general assembly shall bring the
48 bill to a vote in either the senate or the house of
49 representatives expeditiously, but not less than seven
50 days after the report of the commission required by

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1 section 105 of this Act is received and made available
2 to the members of the general assembly, under a
3 procedure or rule permitting no amendments except
4 those of a purely corrective nature.

5 It is further the intent of this Act that if the bill
6 is approved by the first house in which it is
7 considered, it shall expeditiously be brought to a
8 vote in the second house under a similar procedure
9 or rule.

10 2. If the bill embodying the plan submitted by
11 the legislative service bureau under subsection 1
12 fails to be approved by a constitutional majority
13 in either the senate or the house of representatives,
14 the secretary of the senate or the chief clerk of
15 the house, as the case may be, shall at once transmit
16 to the legislative service bureau information which
17 the senate or house may direct regarding reasons why
18 the plan was not approved. The legislative service
19 bureau shall prepare a bill embodying a second plan
20 of school district reorganization prepared in
21 accordance with section 103 of this Act, and taking
22 into account the reasons cited by the senate or house
23 of representatives for its failure to approve the
24 plan insofar as it is possible to do so within the
25 requirements of section 103 of this Act. If a second
26 plan is required under this subsection, the bill
27 embodying it shall be delivered to the secretary of
28 the senate and the chief clerk of the house of
29 representatives not later than February 15, 1987,
30 or fourteen days after the date of the vote by which
31 the senate or the house of representatives fails to
32 approve the bill submitted under subsection 1,
33 whichever date is later. It is the intent of this
34 Act that, if it is necessary to submit a bill under
35 this subsection, the bill be brought to a vote not
36 less than seven days after the bill is printed and
37 made available to the members of the general assembly,
38 in the same manner as prescribed for the bill required
39 under subsection 1.

40 3. If the bill embodying the plan submitted by
41 the legislative service bureau under subsection 2
42 fails to be approved by a constitutional majority
43 in either the senate or the house of representatives,
44 the same procedure as prescribed by subsection 2 shall
45 be followed. If a third plan is required under this
46 subsection, the bill embodying it shall be delivered
47 to the secretary of the senate and the chief clerk
48 of the house of representatives not later than March
49.15, 1987, or fourteen days after the date of the vote
50 by which the senate or the house of representatives

H-5581

Page Three

1 fails to approve the bill submitted under subsection
2 2, whichever date is later. It is the intent of this
3 Act that, if it is necessary to submit a bill under
4 this subsection, the bill be brought to a vote within
5 the same time period after its delivery to the
6 secretary of the senate and the chief clerk of the
7 house of representatives as is prescribed for the
8 bill submitted under subsection 2, but shall be subject
9 to amendment in the same manner as other bills.

10 Sec. 103. REORGANIZATION STANDARDS.

11 1. School districts shall be established on the
12 basis of present and projected school enrollments.

13 2. To the extent consistent with subsection 1
14 of this section, school district boundaries shall
15 coincide with the boundaries of political subdivisions
16 of the state. The number of counties and cities
17 divided among more than one school district shall
18 be as small as possible.

19 3. Districts shall be composed of convenient
20 contiguous territory. Areas which meet only at the
21 points of adjoining corners are not contiguous.

22 4. It is preferable that districts be compact
23 in form, but the standards established by subsections
24 1, 2 and 3 of this section take precedence over
25 compactness where a conflict arises between compactness
26 and these standards. In general, compact districts
27 are those which are square, rectangular or hexagonal
28 in shape to the extent permitted by natural or
29 political boundaries.

30 Sec. 104. TEMPORARY SCHOOL DISTRICT REORGANIZATION
31 ADVISORY COMMISSION.

32 1. Not later than August 1, 1986, a five member
33 temporary school district reorganization advisory
34 commission shall be established as provided by this
35 section. The commission's only functions shall be
36 those prescribed by section 105 of this Act.

37 a. Each of the four selecting authorities shall
38 certify to the legislative council his or her
39 appointment of a person to serve on the commission.

40 b. Within thirty days after the four selecting
41 authorities have certified their respective
42 appointments to the commission, the four commission
43 members so appointed shall select, by a vote of at
44 least three members, the fifth commission member,
45 who shall serve as chairperson.

46 c. A vacancy on the commission shall be filled
47 by the initial selecting authority within fifteen
48 days after the vacancy occurs.

49 d. Members of the commission shall receive a per
50 diem of forty dollars, travel expenses at the rate

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Page Four

1 provided by section 79.9, and reimbursement for other
2 necessary expenses incurred in performing their duties
3 under this section and section 105 of this Act. The
4 per diem and expenses shall be paid from funds
5 appropriated by section 2.12.

6 2. No person shall be appointed to the commission
7 who:

8 a. Is not an eligible elector of the state at
9 the time of selection.

10 b. Holds partisan public office or political party
11 office.

12 c. Is a relative of or is employed by a member
13 of the general assembly or of the United State
14 congress, or is employed directly by the general
15 assembly or by the United States congress.

16 Sec. 105. DUTIES OF COMMISSION. The functions
17 of the commission shall be as follows:

18 1. If, in preparation of plans, the legislative
19 service bureau is confronted with the necessity to
20 make any decision for which no clearly applicable
21 guideline is provided by section 103 of this Act,
22 the bureau may submit a written request for direction
23 to the commission.

24 2. Prior to delivering any plan and the bill
25 embodying that plan to the secretary of the senate
26 and the chief clerk of the house of representatives
27 in accordance with section 102 of this Act, the
28 legislative service bureau shall provide to persons
29 outside the bureau staff only such information
30 regarding the plan as may be required by policies
31 agreed upon by the commission.

32 3. Upon each delivery by the legislative service
33 bureau to the general assembly of a bill embodying
34 a plan, the commission shall at the earliest feasible
35 time make available to the public the following
36 information:

37 a. Copies of the bill delivered by the legislative
38 service bureau to the general assembly.

39 b. Maps illustrating the plan.

40 c. A summary of the standards prescribed by section
41 103 of this Act for development of the plan.

42 d. A statement of the enrollment and projected
43 enrollment of each school district included in the
44 plan.

45 4. Upon the delivery by the legislative service
46 bureau to the general assembly of a bill embodying
47 an initial plan, the commission shall:

48 a. As expeditiously as reasonably possible,
49 schedule and conduct at least three public hearings,
50 in different geographic regions of the state, on the

1 plan embodied in the bill delivered by the legislative
2 service bureau to the general assembly.
3 b. Following the hearings, promptly prepare and
4 submit to the secretary of the senate and the chief
5 clerk of the house a report summarizing information
6 and testimony received by the commission in the course
7 of the hearings. The commission's report shall include
8 any comments and conclusions which its members deem
9 appropriate on the information and testimony received
10 at the hearings, or otherwise presented to the
11 commission.

12 Sec. 106. EFFECTIVE DATE. The school district
13 reorganization plan adopted by the general assembly
14 shall take effect July 1, 1988.

15 Sec. 107. INTERIM STUDY. Not later than May 1,
16 1986, the legislative council shall appoint a joint
17 subcommittee composed of members of both political
18 parties of the house of representatives and senate
19 committees on education to conduct a comprehensive
20 study of the education laws of this state and shall
21 make recommendations to the general assembly meeting
22 in 1987 concerning the changes in education laws
23 needed to implement the creation of twenty-five school
24 districts in this state."

25 2. By renumbering sections and correcting internal
26 references as necessary.

BY KREWSON of Polk
PONCY of Wapello

H-5581 FILED MARCH 9, 1984

Adopted 3/15 (p. 1067)

HOUSE FILE 2458

H-5574

1 Amend House File 2458 as follows:

2 1. Page 1, by striking lines 26 through 32 and
3 inserting in lieu thereof the words "required by law."

4 2. Page 4, by striking lines 29 and 30 and
5 inserting in lieu thereof the words ". The agency
6 administrator shall at".

H-5574 FILED MARCH 9, 1984 BY COCHRAN of Webster

*A. - Adopted 3/15 (p. 1061)
B. - Adopted (p. 1062)*

HOUSE FILE 2458

H-5600

1 Amend the amendment H-5581 to House File 2458
2 as follows:

3 1. Page 1, line 34, by striking the word "twenty-five"
4 and inserting in lieu thereof the words "one hundred six".

5 2. Page 5, line 23, by striking the word "twenty-five"
6 and inserting in lieu thereof the word "one hundred six".

H-5600 FILED MARCH 12, 1984 BY PONCY of Wapello

Adopted 3/15 (p. 1067)

HOUSE FILE 2458

H-5459

- 1 Amend House File 2458 as follows:
- 2 1. Page 5, line 20, by inserting after the word
- 3 "filed" the words ", or a member of the board
- 4 designated by the president,".

H-5459 FILED MARCH 7, 1984 BY SPEAR of Lee

Adopted 3/15 (p 1062)

HOUSE FILE 2458

H-5554

- 1 Amend House File 2458 as follows:
- 2 1. Page 7, by inserting after line 16 the
- 3 following:
- 4 "Sec. 101. Effective July 1, 1988, there are
- 5 established one hundred school districts offering
- 6 grades kindergarten through six. The school district
- 7 boundaries shall be coterminous with the boundaries
- 8 of the one hundred house of representatives districts
- 9 of the Iowa General Assembly.
- 10 Effective July 1, 1988, there are established fifty
- 11 high school districts offering grades seven through
- 12 twelve. The school district boundaries shall be
- 13 coterminous with the boundaries of the fifty senate
- 14 districts of the Iowa general assembly.
- 15 Sec. 102. INTERIM STUDY. Not later than May 1,
- 16 1986, the legislative council shall appoint a joint
- 17 subcommittee composed of members of both political
- 18 parties of the house of representatives and senate
- 19 committees on education to conduct a comprehensive
- 20 study of the education laws of this state and shall
- 21 make recommendations to the general assembly meeting
- 22 in 1987 concerning the changes in education laws
- 23 needed to implement the creation of school districts
- 24 under section 101 of this Act."
- 25 2. By renumbering sections and correcting internal
- 26 references as necessary.

H-5554 FILED MARCH 9, 1984 BY KREWSON of Polk

#115 3/15 (p 1062)

HOUSE FILE 2458

H-5629

- 1 Amend House File 2458 as follows:
- 2 1. Page 4, by striking lines 6 through 13.
- 3 2. Page 5, line 4, by striking the figure "275.8"
- 4 and inserting in lieu thereof the figure "275.16".
- 5 3. Page 7, by striking lines 4 through 16.
- 6 4. By renumbering sections as necessary.

H-5629 FILED MARCH 13, 1984 BY HAVERLAND of Polk

Adopted 3/15 (p 1061)

Senate Education 3/20 W. Pass 3/21 (p. 953)

HOUSE FILE 2458

Education
Creative Chair
Office
Room

HOUSE FILE 2458

BY COMMITTEE ON EDUCATION

(As Amended and Passed by the House)

Passed House, Date 3-15-84 (p. 1067) Passed Senate, Date 3-26-84 (p. 1058)

Vote: Ayes 82 Nays 15 Vote: Ayes 41 Nays 3

Approved April 12, 1984 (p. 2046)

A BILL FOR

1 An Act relating to school district reorganization procedures.

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

3

HOUSE FILE 2458
Amendment H-5581
FISCAL NOTE

REQUESTED BY REPRESENTATIVE KREWSON

In compliance with a written request received March 14, 1984, there is hereby submitted a Fiscal Note for AMENDMENT H-5581 to HOUSE FILE 2458 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the General Assembly upon request.

Amendment H-5581 to House File 2458 would provide for a temporary school district reorganization advisory commission and information and plans to be developed by the legislative service bureau.

FISCAL EFFECT: The expenses of the temporary school district reorganization advisory commission are to be paid from funds available to the general assembly. Assuming the need to meet once a month for a year with estimated costs of \$100 per member per day in expenses and per diem, the total cost would be:

12 meeting days x 5 members x \$100 average costs = \$6,000

The costs would be incurred in FY 1987 and can vary according to either an increase or decrease in the number of meeting days or average costs.

There will also be costs associated with the legislative services bureau's provision of information and plans. This cost has been estimated at over \$50,000 for FY 1986.

(3758H, 84-225E, GPD)

Source: Legislative Service Bureau

FILED MARCH 15, 1984

BY DENNIS PROUTY, FISCAL DIRECTOR

1 Section 1. Section 275.1, Code 1983, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. As used in this chapter unless
4 the context otherwise requires:

5 1. "Eligible elector" means eligible elector as defined
6 in section 39.3, subsection 1.

7 2. "Qualified elector" means qualified elector as defined
8 in section 39.3, subsection 2.

9 3. "School districts affected" means the school districts
10 named in the reorganization petition whether a school dis-
11 trict is affected in whole or in part.

12 Sec. 2. Section 275.2, Code 1983, is amended to read as
13 follows:

14 275.2 SCOPE OF SURVEYS. The scope of ~~such~~ the studies
15 and surveys shall include the following matters in the various
16 districts in the area education agency and all districts
17 adjacent to the area education agency: The adequacy of the
18 educational program, ~~average-daily-attendance-of-pupils~~ pupil
19 enrollment, property valuations, existing buildings and
20 equipment, natural community areas, road conditions,
21 transportation, economic factors, individual attention given
22 to the needs of students, the opportunity of students to
23 participate in a wide variety of activities related to the
24 total development of the student, and ~~such~~ other matters that
25 may bear on educational programs meeting minimum standards
26 required by law. The plans shall also include suggested
27 alternate plans that incorporate the school districts in the
28 area education agency into reorganized districts that meet
29 the enrollment standards specified in section 275.3 and may
30 include alternate plans proposed by school districts for
31 sharing programs under section 280.15, 257.28, or 282.7 as
32 an alternative to school reorganization.

33 Sec. 3. Section 275.4, unnumbered paragraph 1, Code 1983,
34 is amended to read as follows:

35 In developing studies and surveys the area education agency

1 board shall consult with the officials of affected school
2 districts in the area and other citizens, and shall from time
3 to time hold public hearings, and may employ such research
4 and other assistance as it may determine reasonably necessary
5 in order to properly carry on its survey and prepare definite
6 plans of reorganization.

7 Sec. 4. Section 275.5, Code 1983, is amended to read as
8 follows:

9 275.5 PROPOSALS FOR MERGER OR CONSOLIDATION. Any A
10 proposal for merger, consolidation, or boundary change of
11 local school districts shall first be submitted to the area
12 education agency board following the procedure prescribed
13 in this chapter. Following receipt of a petition pursuant
14 to section 275.12, the area education agency board shall
15 review its plans and determine whether the petition complies
16 with the plans which had been adopted by the board. If the
17 petition does not comply with the plans which had been adopted
18 by the board, the board shall conduct further surveys pursuant
19 to section 275.4 prior to the date set for the hearing upon
20 the petition. If further surveys have been conducted by the
21 board, the board shall present the results of the further
22 surveys at the hearing upon the petition.

23 Sec. 5. Section 275.8, subsection 2, Code 1983, is amended
24 to read as follows:

25 2. Adoption of such the written joint plan at a joint
26 session of the several area education agency boards in whose
27 areas such the territory is situated. ~~Votes-of-each-member~~
28 ~~of-an-area-education-agency-board-shall-be-weighted-so-that~~
29 ~~the-total-number-of-votes-eligible-to-be-cast-by-members-of~~
30 ~~each-board-shall-be-equal.~~ A quorum of each of the boards
31 is necessary to transact business. Votes shall be taken in
32 the manner prescribed in section 275.16.

33 Sec. 6. Section 275.12, subsection 1, Code Supplement
34 1983, is amended to read as follows:

35 1. A petition describing the boundaries, or accurately

1 describing the area included therein by legal descriptions,
2 of the proposed district, which boundaries or area described
3 shall conform to plans developed or the petition shall request
4 change of the plan, shall be filed with the area education
5 agency administrator of the area education agency in which
6 the greatest number of qualified electors reside. However,
7 the area education agency administrator shall not accept a
8 petition if any of the school districts affected have approved
9 the issuance of general obligation bonds at an election
10 pursuant to section 296.6 during the preceding six-month
11 period. The petition shall be signed by voters qualified
12 electors in each existing school district or portion affected
13 equal in number to at least twenty percent of the number of
14 ~~eligible-voters~~ qualified electors or four hundred voters
15 qualified electors, whichever is the smaller number. ~~School~~
16 ~~district-or-portion-affected-means-the-area-to-be-included~~
17 ~~in-the-plan-of-the-proposed-new-school-district-~~

18 Sec. 7. Section 275.12, subsection 2, unnumbered para-
19 graph 1, Code Supplement 1983, is amended to read as follows:

20 ~~Such~~ The petition filed under subsection 1 shall also state
21 the name of the proposed school district and the number of
22 directors which may be either five or seven and the method
23 of election of the school directors of the proposed district.
24 The method of election of the directors shall be one of the
25 following optional plans:

26 Sec. 8. Section 275.12, subsection 4, Code Supplement
27 1983, is amended to read as follows:

28 4. The area education agency board in reviewing ~~such~~ the
29 petition as provided in sections 275.15 and 275.16 shall
30 review the proposed method of election of school directors
31 and ~~shall-have-the-duty-and-authority-to~~ may change or amend
32 ~~such~~ the plan in any manner, including the changing of
33 boundaries of director districts if proposed, or to specify
34 a different method of electing school directors ~~on-the-basis~~
35 ~~of-area, school-population, or-assessed-valuation~~ as may be

1 required by law, justice, equity, and the interest of the
2 people. In such the action, the area education agency board
3 shall follow the same procedure as is required by sections
4 275.15 and 275.16 for other action on the petition by the
5 area education agency board.

* 6 Sec. 9. Section 275.15, Code 1983, is amended to read
7 as follows:

8 275.15 HEARING--DECISION--PUBLICATION OF ORDER. At the
9 hearing, which shall be held within ten days of the final
10 date set for filing objections, interested parties, both
11 petitioners and objectors, may present evidence and arguments,
12 and the area education agency board shall review the matter
13 on its merits and within five days after the conclusion of
14 any hearing, shall rule on the objections and shall enter
15 an order fixing such boundaries for the proposed school
16 corporation as will in its judgment be for the best interests
17 of all parties concerned, having due regard for the welfare
18 of adjoining districts or dismiss the petition. The area
19 education agency board, when entering the order fixing the
20 boundaries, shall consider requests for boundary line changes
21 of property owners who reside on property adjacent to the
22 proposed boundary lines. The agency administrator shall at
23 once publish this order in the same newspaper in which the
24 original notice was published. Within twenty days after the
25 publication thereof the decision rendered by the area education
26 agency board may be appealed to the district court in the
27 county involved by any school district affected. For purposes
28 of appeal, only those school districts who filed reorganization
29 petitions are school districts affected. An appeal from a
30 decision of an area education agency board or joint area
31 education agency boards under section 275.4, 275.16, or this
32 section is subject to appeal procedures under this chapter
33 and is not subject to appeal under chapter 290.

34 Sec. 10. Section 275.16, unnumbered paragraph 1, Code
35 1983, is amended to read as follows:

1 If the territory described in the petition for the proposed
2 corporation lies in more than one area education agency, the
3 agency administrator with whom the petition is filed shall
4 fix the time and place for a hearing and call a joint meeting
5 of the members of all the agency boards in which any territory
6 of the proposed school corporation lies, to act as a single
7 board for the hearing of the said objections, and a majority
8 of all members of each of the agency boards of the different
9 agencies in which any part of the proposed corporation lies,
10 ~~shall-constitute~~ constitutes a quorum. The president of the
11 board of directors of the area education agency in which the
12 petition has been filed, or a member of the board designated
13 by the president, shall preside at the joint meeting. The
14 joint boards acting as a single board shall determine whether
15 the petition conforms to plans or, if the petition requests
16 a change in plans, whether ~~such~~ a change should be made, and
17 ~~shall-have-the-authority-to~~ may change the plans of any or
18 all the area education agency boards affected by the petition,
19 and it shall determine and fix boundaries for the proposed
20 corporation as provided in section 275.15 or dismiss the
21 petition. Votes of each member of an area education agency
22 board in attendance shall be weighted so that the total number
23 of votes eligible to be cast by members of each board in
24 attendance shall be equal. However, if ~~such~~ the joint boards
25 cast a tie vote and are unable to agree to an order fixing
26 the boundaries for the proposed school district or to an order
27 to dismiss the petition, the time during which ~~such~~ actions
28 must be taken under ~~the-provisions-of~~ section 275.15 shall
29 be extended from five days to fifteen days after the conclusion
30 of the hearing under ~~the-provisions-of~~ section 275.15, and
31 ~~such~~ the joint board shall reconvene not less than ten and
32 not more than fifteen days after the conclusion of ~~such~~ the
33 hearing. At ~~such~~ the hearing the joint board shall reconsider
34 ~~their~~ its action and if a tie vote ~~shall-again-be~~ is again
35 cast it ~~shall-be-deemed~~ is an order granting the petition

1 and changing the plans of any and all of the agency boards
2 affected by the petition and fixing the boundaries for the
3 proposed school corporation. The agency administrator shall
4 at once publish the decision in the same newspaper in which
5 the original notice was published.

6 Sec. 11. Section 275.27, Code 1983, is amended to read
7 as follows:

8 275.27 NAMES. School districts created or enlarged under
9 ~~the provisions of~~ this chapter ~~shall be known as~~ are community
10 school districts and ~~shall be~~ are part of the area education
11 agency in which the greatest number of qualified electors
12 of said the district reside at the time of the special election
13 called for in section 275.18, ~~and this provision pertaining~~
14 ~~to greatest number of electors shall be in full force and~~
15 ~~effect any statute to the contrary notwithstanding,~~ and all
16 ~~provisions of the law~~ sections of the Code applicable to the
17 common schools generally ~~shall be~~ are applicable to such these
18 districts in addition to the powers and privileges conferred
19 by this chapter.

20 Sec. 12. Section 275.29, Code 1983, is amended to read
21 as follows:

22 275.29 DIVISION OF ASSETS AND LIABILITIES AFTER
23 REORGANIZATION. Between July 1 and July 20, the board of
24 directors of the newly formed community school district shall
25 meet with the boards of all the old districts, or parts of
26 districts, affected by the organization of the new school
27 corporation for the purpose of reaching joint agreement on
28 an equitable division of the assets of the several school
29 corporations or parts ~~thereof~~ of school corporations and an
30 equitable distribution of the liabilities of the affected
31 corporations or parts ~~thereof~~ of corporations.

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HOUSE FILE 2458

AN ACT

RELATING TO SCHOOL DISTRICT REORGANIZATION PROCEDURES.

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

Section 1. Section 275.1, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this chapter unless the context otherwise requires:

1. "Eligible elector" means eligible elector as defined in section 39.3, subsection 1.
2. "Qualified elector" means qualified elector as defined in section 39.3, subsection 2.
3. "School districts affected" means the school districts named in the reorganization petition whether a school district is affected in whole or in part.

Sec. 2. Section 275.2, Code 1983, is amended to read as follows:

275.2 SCOPE OF SURVEYS. The scope of ~~such~~ the studies and surveys shall include the following matters in the various districts in the area education agency and all districts adjacent to the area education agency: The adequacy of the educational program, ~~average-daily-attendance-of-pupils~~ pupil enrollment, 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. The plans shall also include suggested alternate plans that incorporate the school districts in the

area education agency into reorganized districts that meet the enrollment standards specified in section 275.3 and may include alternate plans proposed by school districts for sharing programs under section 280.15, 257.28, or 282.7 as an alternative to school reorganization.

Sec. 3. Section 275.4, unnumbered paragraph 1, Code 1983, is amended to read as follows:

In developing studies and surveys the area education agency board shall consult with the officials of affected school districts in the area 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. 4. Section 275.5, Code 1983, is amended to read as follows:

275.5 PROPOSALS FOR MERGER OR CONSOLIDATION. Any A 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 275.12, 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 275.4 prior to the date set for the hearing upon the petition. If further surveys have been conducted by the board, the board shall present the results of the further surveys at the hearing upon the petition.

Sec. 5. Section 275.8, subsection 2, Code 1983, is amended to read as follows:

2. Adoption of ~~such~~ the written joint plan at a joint session of the several area education agency boards in whose areas ~~such~~ the 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. A quorum of each of the boards is necessary to transact business. Votes shall be taken in the manner prescribed in section 275.16.~~

Sec. 6. Section 275.12, subsection 1, Code Supplement 1983, is amended to read as follows:

1. A petition describing the boundaries, or accurately describing the area included therein by legal descriptions, of the proposed district, which boundaries or area described shall conform to plans developed or the petition shall request change of the plan, shall be filed with the area education agency administrator of the area education agency in which the greatest number of qualified electors reside. However, the area education agency administrator shall not accept a petition if any of the school districts affected have approved the issuance of general obligation bonds at an election pursuant to section 296.6 during the preceding six-month period. The petition shall be signed by voters qualified electors in each existing school district or portion affected equal in number to at least twenty percent of the number of eligible voters qualified electors or four hundred voters qualified electors, whichever is the smaller number. ~~School district or portion affected means the area to be included in the plan of the proposed new school district.~~

Sec. 7. Section 275.12, subsection 2, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

~~Such~~ The petition filed under subsection 1 shall also state the name of the proposed school district and the number of directors which may be either five or seven and the method of election of the school directors of the proposed district. The method of election of the directors shall be one of the following optional plans:

Sec. 8. Section 275.12, subsection 4, Code Supplement 1983, is amended to read as follows:

4. The area education agency board in reviewing ~~such~~ the petition as provided in sections 275.15 and 275.16 shall review the proposed method of election of school directors and ~~shall have the duty and authority to~~ may change or amend ~~such~~ the plan in any manner, including the changing of boundaries of director districts if proposed, or to specify a different method of electing school directors ~~on the basis of area, school population or assessed valuation~~ as may be required by law, justice, equity, and the interest of the people. In ~~such~~ the action, the area education agency board shall follow the same procedure as is required by sections 275.15 and 275.16 for other action on the petition by the area education agency board.

Sec. 9. Section 275.15, Code 1983, is amended to read as follows:

275.15 HEARING--DECISION--PUBLICATION OF ORDER. 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. An appeal from a decision of an area education agency board or joint area education agency boards under section 275.4, 275.16, or this section is subject to appeal procedures under this chapter and is not subject to appeal under chapter 290.

Sec. 10. Section 275.16, unnumbered paragraph 1, Code 1983, 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 each of the agency boards of the different agencies in which any part of the proposed corporation lies, ~~shall-constitute constitutes~~ a quorum. The president of the board of directors of the area education agency in which the petition has been filed, or a member of the board designated by the president, shall preside at the joint meeting. 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 ~~sueh~~ a change should be made, and ~~shall-have-the-authority-to may~~ 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 in attendance shall be weighted so that the total number of votes eligible to be cast by members of each board in attendance shall be equal. However, if ~~sueh~~ the 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 ~~sueh~~ 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 ~~sueh~~ the joint board shall reconvene not less than ten and not more than fifteen days after the conclusion of ~~sueh~~ the hearing. At ~~sueh~~ the hearing the joint board shall reconsider ~~their~~ its action and if a tie vote ~~shall-again-be is again~~ cast it ~~shall-be-deemed is~~ 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. 11. Section 275.27, Code 1983, is amended to read as follows:

275.27 NAMES. School districts created or enlarged under ~~the-provisions-of~~ this chapter ~~shall-be-known-as~~ are community school districts and ~~shall-be~~ are part of the area education agency in which the greatest number of qualified electors of ~~said~~ the district reside at the time of the special election called for in section 275.18, ~~and-this-provision-pertaining to-greatest-number-of-electors-shall-be-in-full-force-and effect-any-statute-to-the-contrary-notwithstanding,~~ and ~~all provisions-of-the-law sections of the Code~~ applicable to the common schools generally ~~shall-be~~ are applicable to ~~sueh~~ these districts in addition to the powers and privileges conferred by this chapter.

Sec. 12. Section 275.29, Code 1983, is amended to read as follows:

275.29 DIVISION OF ASSETS AND LIABILITIES AFTER REORGANIZATION. Between July 1 and July 20, the board of directors of the newly formed community school district shall meet with the boards of all the old districts, or parts of districts, affected by the organization of the new school corporation for the purpose of reaching joint agreement on

an equitable division of the assets of the several school corporations or parts ~~thereof~~ of school corporations and an equitable distribution of the liabilities of the affected corporations or parts ~~thereof~~ of corporations.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2458, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 13, 1984

TERRY E. BRANSTAD
Governor