

Reprinted 3/29/83

SENATE FILE 460

BY COMMITTEE ON EDUCATION
Appropriations Bill (S.F. 207)
(FORMERLY SSB 20)

Passed Senate, Date 3-28-83 (p. 927) Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the method of election of boards of
2 directors of reorganized school districts.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

S.F. 460

1 Section 1. Section 275.18, Code 1983, is amended to read
2 as follows:

3 275.18 SPECIAL ELECTION CALLED--TIME. When the boundaries
4 of the territory to be included in a proposed school
5 corporation and the number and method of the election of the
6 school directors of ~~such~~ the proposed school corporation have
7 been determined as ~~herein~~ provided in this chapter, the area
8 education agency administrator with whom ~~such~~ the petition
9 is filed shall give written notice of the proposed date of
10 the election to the county commissioner of elections of the
11 county in the proposed school corporation which has the
12 greatest taxable base ~~therein~~. The proposed date shall be
13 as soon as possible pursuant to sections 39.2, subsections
14 1 and 2, and 47.6, subsections 1 and 2, but not later than
15 ~~December-31~~ November 30 of the calendar year prior to the
16 calendar year in which the reorganization will take effect.
17 The county commissioner of elections shall give notice of
18 the election by one publication in the same newspaper in which
19 previous notices have been published regarding the proposed
20 school reorganization, and in addition ~~thereto~~, if more than
21 one county is involved, by one publication in a legal newspaper
22 in each county other than that of the first publication,
23 ~~which~~. The publication shall be not less than four nor more
24 than twenty days prior to the election. ~~in-the-case-of~~
25 ~~districts-located-in-more-than-one-county,-no-notice~~ Notice
26 for an election shall not be published until the expiration
27 of time for appeal, which shall be the same as that provided
28 in section ~~285-127-has-expired~~ 275.15 or 275.16, whichever
29 is applicable; and ~~in-the-event-of~~ if there is an appeal,
30 not until the same appeal has been disposed of.

31 Sec. 2. Section 275.24, Code 1983, is amended to read
32 as follows:

33 275.24 EFFECTIVE DATE OF CHANGE. When any a school
34 district is enlarged, reorganized, or changes its boundary
35 ~~by-the-method-hereinabove-provided~~ pursuant to sections 275.12

1 to 275.22, the effective-date-of-such change shall be July
2 ~~1-following-the-election-of-the-new-board-or, if no new board~~
3 ~~is-elected, then~~ take effect on July 1 following the
4 enlargement, reorganization or boundary change date of the
5 reorganization election held pursuant to section 275.18 if
6 the election was held by the prior November 30. Otherwise
7 the change shall take effect on July 1 one year later.

8 Sec. 3. Section 275.25, Code 1983, is amended by striking
9 the section and inserting in lieu thereof the following:

10 275.25 ELECTION OF DIRECTORS.

11 1. If the proposition to establish a new school district
12 carries under the method provided in this chapter, the area
13 education agency administrator with whom the petition was
14 filed shall give written notice of a proposed date for a
15 special election for directors of the newly formed school
16 district to the commissioner of elections of the county in
17 the district involved in the reorganization which has the
18 greatest taxable base. The proposed date shall be as soon
19 as possible pursuant to sections 39.2, subsections 1 and 2,
20 and 47.6, subsections 1 and 2, but not later than the third
21 Tuesday in January of the calendar year in which the
22 reorganization takes effect. The election shall be conducted
23 as provided in section 277.3, and nomination petitions shall
24 be filed pursuant to section 277.4, except as otherwise
25 provided in this subsection. Nomination petitions shall be
26 filed with the secretary of the board of the existing school
27 district in which the candidate resides, signed by not less
28 than ten eligible electors of the newly formed district, and
29 filed not less than thirty days prior to the date set for
30 the special school election.

31 2. The number of directors of a school district is either
32 five or seven as provided in section 275.12. In school
33 districts that include a city of fifteen thousand or more
34 population as shown by the most recent decennial federal
35 census, the board shall consist of seven members elected in

1 the manner provided in subsection 3. If it becomes necessary
2 to increase the membership of a board, two directors shall
3 be added according to the procedure described in section
4 277.23.

5 The county board of supervisors shall canvass the votes
6 and the county commissioner of elections shall report the
7 results to the area education agency administrator who shall
8 notify the persons who are elected directors.

9 3. The directors who are elected to serve shall serve
10 until their successors are elected and qualify. At the special
11 election, the newly elected director receiving the most votes
12 shall be elected to serve until the director's successor
13 qualifies after the fourth regular school election date
14 occurring after the effective date of the reorganization;
15 the two newly elected directors receiving the next largest
16 number of votes shall be elected to serve until the directors'
17 successors qualify after the third regular school election
18 date occurring after the effective date of the reorganization;
19 and the two newly elected directors receiving the next largest
20 number of votes shall be elected to serve until the directors'
21 successors qualify after the second regular school election
22 date occurring after the effective date of the reorganization.
23 However, in districts that include all or a part of a city
24 of fifteen thousand or more population and in districts in
25 which the proposition to establish a new corporation provides
26 for the election of seven directors, the three newly elected
27 directors receiving the most votes shall be elected to serve
28 until the directors' successors qualify after the fourth
29 regular school election date occurring after the effective
30 date of the reorganization.

31 4. The board of the newly formed district shall organize
32 within fifteen days after the special election upon the call
33 of the area education agency administrator. The new board
34 shall have control of the employment of personnel for the
35 newly formed district for the next following school year under

1 section 275.33. Following the organization of the board of
2 the newly formed district, the board may establish policy,
3 organize curriculum, enter into contracts, complete planning,
4 and take action as necessary for the efficient management
5 of the newly formed community school district.

6 5. Section 49.8, subsection 4 does not permit a director
7 to remain on the board of a school district after the effective
8 date of a boundary change which places the director's residence
9 outside the boundaries of the district. Vacancies caused
10 by this occurrence on a board shall be filled in the manner
11 provided in sections 279.6 and 279.7.

12 EXPLANATION

13 This bill provides for the election of a board of directors
14 of a reorganized district. It moves the final date for a
15 reorganization election from December 31 to November 30 and
16 clarifies the July 1 on which the reorganization will take
17 effect.

18 It eliminates the procedure that the new board of directors
19 of a reorganized district is comprised of the members of the
20 boards of the old districts until the second regular election
21 and substitutes a procedure that a new board is elected at
22 a special election following the approval of the reorganization
23 under the method specified in the reorganization petition.
24 The bill takes effect July 1 following its enactment.

25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 466

S-3342

1 Amend Senate File 466 as follows:

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

4 "Section 1. Section 275.12, subsection 2, paragraph
5 c, Code 1983, is amended to read as follows:

6 c. Election of not more than one-half of the total
7 number of school directors at large from the entire
8 district and the remaining directors from and as
9 residents of designated single-member or multi-member
10 director districts into which the entire school
11 district shall be divided on the basis of population
12 for each director. In such case, all directors shall
13 be elected by the electors of the entire school
14 district. Changes in the boundaries of director
15 districts shall not be made during a period commencing
16 sixty days prior to the date of the annual school
17 election."

18 2. Page 4, by inserting after line 11 the following
19 section:

20 "Sec. ____ . Section 275.41, subsection 5, Code
21 1983, is amended to read as follows:

22 5. The boards of directors of school districts
23 which are involved in the merger which have three
24 or more directors who are retained, shall each
25 designate two of the directors who are retained to
26 serve terms that expire at the organizational meeting
27 following the second regular school election held
28 thereafter. All other directors who are retained
29 shall serve terms that expire at the organizational
30 meeting following the third regular school election
31 held thereafter. If there is an insufficient number
32 of board members eligible to be retained from a former
33 school district, the board of the former school
34 district may appoint members to fill the vacancies.
35 A vacancy occurs if there is an insufficient number
36 of former board members who reside in the newly-formed
37 district or if there is an insufficient number who
38 are willing to serve on the board of the newly-formed
39 district."

40 3. By numbering and renumbering sections as
41 necessary.

S-3342 FILED

MARCH 24, 1983

Adopted 3/28/83 (p. 987)

BY WALLY E. HORN

Education 3/20/83

Senate File 466

Education: Carter, Chair: Branstad and Zimmerman.

SENATE FILE 466

Do Pass 4/7/83

BY COMMITTEE ON EDUCATION

(AS AMENDED AND PASSED BY THE SENATE MARCH 28, 1983)

Passed Senate, Date 3-28-83 (p. 987) Passed House, Date 4-14-83 (p. 1313)

Vote: Ayes 49 Nays 0 Vote: Ayes 99 Nays 1

Approved May 5, 1983 (p. 1578)

A BILL FOR

1 An Act relating to the method of election of boards of
2 directors of reorganized school districts.

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

4

5

6

7

8

9

10

11

12

13

_____ = New Language

14

by the Senate

15

16

17

18

19

20

21

22

23

24

25

1 Section 1. Section 275.12, subsection 2, paragraph c,
2 Code 1983, is amended to read as follows:

3 c. Election of not more than one-half of the total number
4 of school directors at large from the entire district and
5 the remaining directors from and as residents of designated
6 single-member or multi-member director districts into which
7 the entire school district shall be divided on the basis of
8 population for each director. In such case, all directors
9 shall be elected by the electors of the entire school district.

10 Changes in the boundaries of director districts shall not
11 be made during a period commencing sixty days prior to the
12 date of the annual school election.

13 Sec. 2. Section 275.18, Code 1983, is amended to read
14 as follows:

15 275.18 SPECIAL ELECTION CALLED--TIME. When the boundaries
16 of the territory to be included in a proposed school
17 corporation and the number and method of the election of the
18 school directors of ~~such~~ the proposed school corporation have
19 been determined as ~~herein~~ provided in this chapter, the area
20 education agency administrator with whom ~~such~~ the petition
21 is filed shall give written notice of the proposed date of
22 the election to the county commissioner of elections of the
23 county in the proposed school corporation which has the
24 greatest taxable base ~~therein~~. The proposed date shall be
25 as soon as possible pursuant to sections 39.2, subsections
26 1 and 2, and 47.6, subsections 1 and 2, but not later than
27 ~~December-31~~ November 30 of the calendar year prior to the
28 calendar year in which the reorganization will take effect.

29 The county commissioner of elections shall give notice of
30 the election by one publication in the same newspaper in which
31 previous notices have been published regarding the proposed
32 school reorganization, and in addition ~~thereto~~, if more than
33 one county is involved, by one publication in a legal newspaper
34 in each county other than that of the first publication,
35 which. The publication shall be not less than four nor more

1 than twenty days prior to the election. ~~In the case of~~
2 ~~districts located in more than one county, no notice~~ Notice
3 for an election shall not be published until the expiration
4 of time for appeal, which shall be the same as that provided
5 in section ~~285.12, has expired~~ 275.15 or 275.16, whichever
6 is applicable; and ~~in the event of~~ if there is an appeal,
7 not until the ~~same~~ appeal has been disposed of.

8 Sec. 3. Section 275.24, Code 1983, is amended to read
9 as follows:

10 275.24 EFFECTIVE DATE OF CHANGE. When ~~any a~~ a school
11 district is enlarged, reorganized, or changes its boundary
12 ~~by the method hereinabove provided~~ pursuant to sections 275.12
13 to 275.22, the ~~effective date of such~~ change shall be July
14 ~~1 following the election of the new board or, if no new board~~
15 ~~is elected, then~~ take effect on July 1 following the
16 ~~enlargement, reorganization or boundary change~~ date of the
17 reorganization election held pursuant to section 275.18 if
18 the election was held by the prior November 30. Otherwise
19 the change shall take effect on July 1 one year later.

20 Sec. 4. Section 275.25, Code 1983, is amended by striking
21 the section and inserting in lieu thereof the following:

22 275.25 ELECTION OF DIRECTORS.

23 1. If the proposition to establish a new school district
24 carries under the method provided in this chapter, the area
25 education agency administrator with whom the petition was
26 filed shall give written notice of a proposed date for a
27 special election for directors of the newly formed school
28 district to the commissioner of elections of the county in
29 the district involved in the reorganization which has the
30 greatest taxable base. The proposed date shall be as soon
31 as possible pursuant to sections 39.2, subsections 1 and 2,
32 and 47.6, subsections 1 and 2, but not later than the third
33 Tuesday in January of the calendar year in which the
34 reorganization takes effect. The election shall be conducted
35 as provided in section 277.3, and nomination petitions shall

1 be filed pursuant to section 277.4, except as otherwise
2 provided in this subsection. Nomination petitions shall be
3 filed with the secretary of the board of the existing school
4 district in which the candidate resides, signed by not less
5 than ten eligible electors of the newly formed district, and
6 filed not less than thirty days prior to the date set for
7 the special school election.

8 2. The number of directors of a school district is either
9 five or seven as provided in section 275.12. In school
10 districts that include a city of fifteen thousand or more
11 population as shown by the most recent decennial federal
12 census, the board shall consist of seven members elected in
13 the manner provided in subsection 3. If it becomes necessary
14 to increase the membership of a board, two directors shall
15 be added according to the procedure described in section
16 277.23.

17 The county board of supervisors shall canvass the votes
18 and the county commissioner of elections shall report the
19 results to the area education agency administrator who shall
20 notify the persons who are elected directors.

21 3. The directors who are elected to serve shall serve
22 until their successors are elected and qualify. At the special
23 election, the newly elected director receiving the most votes
24 shall be elected to serve until the director's successor
25 qualifies after the fourth regular school election date
26 occurring after the effective date of the reorganization;
27 the two newly elected directors receiving the next largest
28 number of votes shall be elected to serve until the directors'
29 successors qualify after the third regular school election
30 date occurring after the effective date of the reorganization;
31 and the two newly elected directors receiving the next largest
32 number of votes shall be elected to serve until the directors'
33 successors qualify after the second regular school election
34 date occurring after the effective date of the reorganization.
35 However, in districts that include all or a part of a city

1 of fifteen thousand or more population and in districts in
2 which the proposition to establish a new corporation provides
3 for the election of seven directors, the three newly elected
4 directors receiving the most votes shall be elected to serve
5 until the directors' successors qualify after the fourth
6 regular school election date occurring after the effective
7 date of the reorganization.

8 4. The board of the newly formed district shall organize
9 within fifteen days after the special election upon the call
10 of the area education agency administrator. The new board
11 shall have control of the employment of personnel for the
12 newly formed district for the next following school year under
13 section 275.33. Following the organization of the board of
14 the newly formed district, the board may establish policy,
15 organize curriculum, enter into contracts, complete planning,
16 and take action as necessary for the efficient management
17 of the newly formed community school district.

18 5. Section 49.8, subsection 4 does not permit a director
19 to remain on the board of a school district after the effective
20 date of a boundary change which places the director's residence
21 outside the boundaries of the district. Vacancies caused
22 by this occurrence on a board shall be filled in the manner
23 provided in sections 279.6 and 279.7.

24 Sec. 5. Section 275.41, subsection 5, Code 1983, is amended
25 to read as follows:

26 5. The boards of directors of school districts which are
27 involved in the merger which have three or more directors
28 who are retained, shall each designate two of the directors
29 who are retained to serve terms that expire at the
30 organizational meeting following the second regular school
31 election held thereafter. All other directors who are retained
32 shall serve terms that expire at the organizational meeting
33 following the third regular school election held thereafter.
34 If there is an insufficient number of board members eligible
35 to be retained from a former school district, the board of

1 the former school district may appoint members to fill the
2 vacancies. A vacancy occurs if there is an insufficient
3 number of former board members who reside in the newly-formed
4 district or if there is an insufficient number who are willing
5 to serve on the board of the newly-formed district.

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

SENATE FILE 466

AN ACT

RELATING TO THE METHOD OF ELECTION OF BOARDS OF DIRECTORS OF REORGANIZED SCHOOL DISTRICTS.

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

Section 1. Section 275.12, subsection 2, paragraph c, Code 1983, is amended to read as follows:

c. Election of not more than one-half of the total number of school directors at large from the entire district and the remaining directors from and as residents of designated single-member or multi-member director districts into which the entire school district shall be divided on the basis of population for each director. In such case, all directors shall be elected by the electors of the entire school district. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the annual school election.

Sec. 2. Section 275.18, Code 1983, is amended to read as follows:

275.18 SPECIAL ELECTION CALLED--TIME. When the boundaries of the territory to be included in a proposed school corporation and the number and method of the election of the school directors of ~~such~~ the proposed school corporation have been determined as ~~herein~~ provided in this chapter, the area education agency administrator with whom ~~such~~ the petition is filed shall give written notice of the proposed date of the election to the county commissioner of elections of the county in the proposed school corporation which has the greatest taxable base ~~therein~~. The proposed date shall be as soon as possible pursuant to sections 39.2, subsections 1 and 2, and 47.6, subsections 1 and 2, but not later than

~~December 31~~ November 30 of the calendar year prior to the calendar year in which the reorganization will take effect. The county commissioner of elections shall give notice of the election by one publication in the same newspaper in which previous notices have been published regarding the proposed school reorganization, and in addition ~~thereto~~, if more than one county is involved, by one publication in a legal newspaper in each county other than that of the first publication; ~~which~~. The publication shall be not less than four nor more than twenty days prior to the election. ~~in the case of districts located in more than one county, no notice~~ Notice for an election shall not be published until the expiration of time for appeal, which shall be the same as that provided in section ~~205.12~~ has expired 275.15 or 275.16, whichever is applicable; and ~~in the event of~~ if there is an appeal, not until the same appeal has been disposed of.

Sec. 3. Section 275.24, Code 1983, is amended to read as follows:

275.24 EFFECTIVE DATE OF CHANGE. When any a school district is enlarged, reorganized, or changes its boundary ~~by the method hereinabove provided pursuant to sections 275.12 to 275.22~~, the effective date ~~of such~~ change shall be July 1 following the election of the new board or, if no new board is elected, then take effect on July 1 following the enlargement--reorganization or boundary change date of the reorganization election held pursuant to section 275.18 if the election was held by the prior November 30. Otherwise the change shall take effect on July 1 one year later.

Sec. 4. Section 275.25, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

275.25 ELECTION OF DIRECTORS.

1. If the proposition to establish a new school district carries under the method provided in this chapter, the area education agency administrator with whom the petition was filed shall give written notice of a proposed date for a special election for directors of the newly formed school

district to the commissioner of elections of the county in the district involved in the reorganization which has the greatest taxable base. The proposed date shall be as soon as possible pursuant to sections 39.2, subsections 1 and 2, and 47.6, subsections 1 and 2, but not later than the third Tuesday in January of the calendar year in which the reorganization takes effect. The election shall be conducted as provided in section 277.3, and nomination petitions shall be filed pursuant to section 277.4, except as otherwise provided in this subsection. Nomination petitions shall be filed with the secretary of the board of the existing school district in which the candidate resides, signed by not less than ten eligible electors of the newly formed district, and filed not less than thirty days prior to the date set for the special school election.

2. The number of directors of a school district is either five or seven as provided in section 275.12. In school districts that include a city of fifteen thousand or more population as shown by the most recent decennial federal census, the board shall consist of seven members elected in the manner provided in subsection 3. If it becomes necessary to increase the membership of a board, two directors shall be added according to the procedure described in section 277.23.

The county board of supervisors shall canvass the votes and the county commissioner of elections shall report the results to the area education agency administrator who shall notify the persons who are elected directors.

3. The directors who are elected to serve shall serve until their successors are elected and qualify. At the special election, the newly elected director receiving the most votes shall be elected to serve until the director's successor qualifies after the fourth regular school election date occurring after the effective date of the reorganization; the two newly elected directors receiving the next largest number of votes shall be elected to serve until the directors'

successors qualify after the third regular school election date occurring after the effective date of the reorganization; and the two newly elected directors receiving the next largest number of votes shall be elected to serve until the directors' successors qualify after the second regular school election date occurring after the effective date of the reorganization. However, in districts that include all or a part of a city of fifteen thousand or more population and in districts in which the proposition to establish a new corporation provides for the election of seven directors, the three newly elected directors receiving the most votes shall be elected to serve until the directors' successors qualify after the fourth regular school election date occurring after the effective date of the reorganization.

4. The board of the newly formed district shall organize within fifteen days after the special election upon the call of the area education agency administrator. The new board shall have control of the employment of personnel for the newly formed district for the next following school year under section 275.33. Following the organization of the board of the newly formed district, the board may establish policy, organize curriculum, enter into contracts, complete planning, and take action as necessary for the efficient management of the newly formed community school district.

5. Section 49.8, subsection 4 does not permit a director to remain on the board of a school district after the effective date of a boundary change which places the director's residence outside the boundaries of the district. Vacancies caused by this occurrence on a board shall be filled in the manner provided in sections 279.6 and 279.7.

Sec. 5. Section 275.41, subsection 5, Code 1983, is amended to read as follows:

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

organizational meeting following the second regular school election held thereafter. All other directors who are retained shall serve terms that expire at the organizational meeting following the third regular school election held thereafter. If there is an insufficient number of board members eligible to be retained from a former school district, the board of the former school district may appoint members to fill the vacancies. A vacancy occurs if there is an insufficient number of former board members who reside in the newly-formed district or if there is an insufficient number who are willing to serve on the board of the newly-formed district.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 466, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor