

EDUCATION: Murphy, Chair: Brown and Taylor

Amended (3,534) by De. Chas. 3/19 (p. 852)

SENATE FILE 398

BY MURPHY

FILED MAR 7 1985

Passed Senate, Date 4-1-85 (p. 1163) Passed House, Date 4-16-85 (p. 1615)

Vote: Ayes 46 Nays 2 Vote: Ayes 88 Nays 7

Approved May 29, 1985

A BILL FOR

1 An Act relating to school reorganization.

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

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SF 398

1 Section 1. Section 275.25, Code 1985, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. The board of the newly formed district
4 shall appoint an acting superintendent and an acting board
5 secretary. The appointment of the acting superintendent shall
6 not be subject to the continuing contract provision of
7 sections 279.20, 279.23, and 279.24.

8 Sec. 2. Section 275.29, Code 1985, is amended to read as
9 follows:

10 275.29 DIVISION OF ASSETS AND LIABILITIES AFTER
11 REORGANIZATION.

12 Between July 1 and July 20, the board of directors of the
13 newly formed community school district shall meet with the
14 boards of all the old districts, or parts of districts,
15 affected by the organization of the new school corporation for
16 the purpose of reaching joint agreement on an equitable
17 division of the assets of the several school corporations or
18 parts of school corporations and an equitable distribution of
19 the liabilities of the affected corporations or parts of
20 corporations. In addition, if outstanding bonds are in
21 existence in any district, the boards shall meet together
22 prior to March 15 prior to the school year the reorganization
23 is effective to determine the distribution of the bonded
24 indebtedness between the districts so that the newly formed
25 district may certify its budget under the procedures specified
26 in chapter 24. The boards shall consider the mandatory levy
27 required in section 76.2 and shall assure the satisfaction of
28 outstanding obligations of each affected school corporation.
29 The determined distribution is subject to approval by the
30 state comptroller.

31 However, if the security for outstanding obligations for
32 each corporation is not impaired, the comptroller shall
33 discontinue the levy to pay the interest and principal of
34 bonds from taxable property that has been severed from the
35 former school districts and will not become a part of the

1 reorganized district.

2 Sec. 3. Section 275.31, Code 1985, is amended to read as
3 follows:

4 275.31 TAXES TO EFFECT EQUALIZATION.

5 If necessary to equalize such the division and
6 distribution, the board or boards may provide for the levy of
7 additional taxes, which shall be sufficient to satisfy the
8 mandatory levy required in section 76.2 or other liabilities
9 of the districts, upon the property of any a corporation or
10 part of a corporation and for the distribution of the same tax
11 revenues so as to effect such equalization subject to approval
12 by the state comptroller. When the board or boards are
13 considering the equalization levy, the division and
14 distribution shall not impair the security for outstanding
15 obligations of each affected corporation.

16 Sec. 4. Section 275.33, Code 1985, is amended to read as
17 follows:

18 275.33 CONTRACTS NOT AFFECTED.

19 1. The terms of employment of superintendents, principals,
20 and teachers, for the school year following the effective date
21 of the formation of the new district shall not be affected by
22 the formation of the new district, except in accordance with
23 the provisions of sections 279.15 to 279.18 and 279.24 and the
24 authority and responsibility to offer new contracts or to
25 continue, modify, or terminate existing contracts pursuant to
26 sections 275.12, 275.13, 275.15 to 275.21, 275.23, and 275.24
27 for the school year beginning with the effective date of the
28 reorganization shall be transferred from the boards of the
29 existing districts to the board of the new district on the
30 third Tuesday of January of the year prior to the school year
31 the reorganization is effective.

32 2. The collective bargaining agreement of the district
33 with the largest basic enrollment, as defined in section
34 442.4, in the new district shall ~~continue-in-full-force-and~~
35 ~~effect-until-a-successor-agreement-is-negotiated~~ serve as the

1 base agreement and the employees of the other districts
2 involved in the formation of the new district shall
3 automatically be accreted to the bargaining unit of that
4 collective bargaining agreement for purposes of negotiating
5 the contract for the following year without further action by
6 the public employment relations board. If only one collective
7 bargaining agreement is in effect among the districts which
8 are party to the reorganization, then that agreement shall
9 ~~continue-in-full-force-and-effect-until-a-successor-agreement~~
10 is-negotiated serve as the base agreement, and the employees
11 of the other districts involved in the formation of the new
12 district shall automatically be accreted to the bargaining
13 unit of that collective bargaining agreement for purposes of
14 negotiating the contract for the following year without
15 further action by the public employment relations board. The
16 board of the newly formed district, using the base agreement
17 as its existing contract, shall bargain with the combined
18 employees of the existing districts for the school year
19 beginning with the effective date of the reorganization. The
20 bargaining shall be completed by March 15 prior to the school
21 year in which the reorganization becomes effective or within
22 ninety days after the organization of the new board, whichever
23 is later. If a bargaining agreement was already concluded by
24 the board and employees of the existing district with the
25 contract serving as the base agreement for the school year
26 beginning with the effective date of the reorganization, that
27 agreement shall be void. However, if the base agreement
28 contains multiyear provisions affecting school years
29 subsequent to the effective date of the reorganization, the
30 base agreement shall remain in effect as specified in the
31 agreement.

32 The provisions of the base agreement shall apply to the
33 offering of new contracts, or continuation, modification, or
34 termination of existing contracts as provided in subsection 1
35 of this section.

1 Sec. 5. Section 275.41, Code 1985, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 9. The board of the newly formed district
4 shall appoint an acting superintendent and an acting board
5 secretary. The appointment of the acting superintendent shall
6 not be subject to the continuing contract provision of
7 sections 279.20, 279.23, and 279.24.

8 EXPLANATION

9 This bill makes specific provisions within the process of
10 school districts reorganizing. The bill requires the school
11 board of the newly formed district to appoint an acting
12 superintendent and board secretary.

13 The bill amends sections concerning the division of the
14 districts' assets and liabilities after reorganization.

15 The bill designates responsibility for the contracts of
16 employees when reorganization takes place.

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S-3315

SENATE FILE 398

- 1 Amend Senate File 398 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 275.12, Code 1985, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 6. The area education agency
7 board in reviewing such petition as provided in
8 section 275.15 and 275.16 may amend the petition to
9 remove the levy to pay the interest and principal of
10 bonds from property that is severed from the political
11 subdivision and will not become a part of the new
12 school district if the districts are reorganized.
13 However, if this amendment to the petition does not
14 maintain security for outstanding obligations of each
15 affected district, the obligation for payment of
16 interest and principal shall be decided pursuant to
17 sections 275.28 to 275.31."
18 2. By striking page 1, line 31, through page 2,
19 line 1.
20 3. Page 2, line 30, by striking the words "of the
21 year".
22 4. Page 3, line 22, by striking the word "ninety"
23 and inserting the following: "one hundred twenty".

S-3315 Filed

March 14, 1985

Placed o/s 4/1 (p. 1163)

By MURPHY

S-3336

SENATE FILE 398

- 1 Amend Senate File 398 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 275.12, Code 1985, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 6. The area education agency
7 board in reviewing such petition as provided in
8 section 275.15 and 275.16 may amend the petition to
9 remove the levy to pay the interest and principal of
10 bonds from property that is severed from the political
11 subdivision and will not become a part of the new
12 school district if the districts are reorganized.
13 However, if this amendment to the petition does not
14 maintain security for outstanding obligations of each
15 affected district, the obligation for payment of
16 interest and principal shall be decided pursuant to
17 sections 275.28 to 275.31."
18 2. By striking page 1, line 31, through page 2,
19 line 1.
20 3. Page 2, line 30, by striking the words "of the
21 year".
22 4. Page 3, line 22, by striking the word "ninety"
23 and inserting the following: "one hundred twenty".

S-3336 Filed

March 18, 1985

Adopted 4/1 (p. 1163)

By COMMITTEE ON EDUCATION

SENATE FILE 398

BY MURPHY

(AS AMENDED AND PASSED BY THE SENATE APRIL 1, 1985)

Re-Passed Senate, Date 4-24-85 (p.1621) Passed House, Date 4-16-85 (p.1615)

Vote: Ayes 39 Nays 2 Vote: Ayes 88 Nays 7

Approved May 29, 1985

A BILL FOR

1 An Act relating to school reorganization.

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

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_____ = New Language
by the Senate

* = Language Stricken
by the Senate

5771 Section 1. Section 275.12, Code 1985, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. The area education agency board in
4 reviewing such petition as provided in section 275.15 and
5 275.16 may amend the petition to remove the levy to pay the
6 interest and principal of bonds from property that is severed
7 from the political subdivision and will not become a part of
8 the new school district if the districts are reorganized.
9 However, if this amendment to the petition does not maintain
10 security for outstanding obligations of each affected
11 district, the obligation for payment of interest and principal
12 shall be decided pursuant to sections 275.28 to 275.31.

13 Sec. 2. Section 275.25, Code 1985, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 6. The board of the newly formed district
16 shall appoint an acting superintendent and an acting board
17 secretary. The appointment of the acting superintendent shall
18 not be subject to the continuing contract provision of
19 sections 279.20, 279.23, and 279.24.

20 Sec. 3. Section 275.29, Code 1985, is amended to read as
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22 275.29 DIVISION OF ASSETS AND LIABILITIES AFTER
23 REORGANIZATION.

24 Between July 1 and July 20, the board of directors of the
25 newly formed community school district shall meet with the
26 boards of all the old districts, or parts of districts,
27 affected by the organization of the new school corporation for
28 the purpose of reaching joint agreement on an equitable
29 division of the assets of the several school corporations or
30 parts of school corporations and an equitable distribution of
31 the liabilities of the affected corporations or parts of
32 corporations. In addition, if outstanding bonds are in
33 existence in any district, the boards shall meet together
34 prior to March 15 prior to the school year the reorganization
35 is effective to determine the distribution of the bonded

1 indebtedness between the districts so that the newly formed
2 district may certify its budget under the procedures specified
3 in chapter 24. The boards shall consider the mandatory levy
4 required in section 76.2 and shall assure the satisfaction of
5 outstanding obligations of each affected school corporation.
6 The determined distribution is subject to approval by the
7 state comptroller.

* 8 Sec. 4. Section 275.31, Code 1985, is amended to read as
9 follows:

10 275.31 TAXES TO EFFECT EQUALIZATION.

11 If necessary to equalize such the division and
12 distribution, the board or boards may provide for the levy of
13 additional taxes, which shall be sufficient to satisfy the
14 mandatory levy required in section 76.2 or other liabilities
15 of the districts, upon the property of any a corporation or
16 part of a corporation and for the distribution of the same tax
17 revenues so as to effect such equalization subject to approval
18 by the state comptroller. When the board or boards are
19 considering the equalization levy, the division and
20 distribution shall not impair the security for outstanding
21 obligations of each affected corporation.

22 Sec. 5. Section 275.33, Code 1985, is amended to read as
23 follows:

24 275.33 CONTRACTS NOT AFFECTED.

25 1. The terms of employment of superintendents, principals,
26 and teachers, for the school year following the effective date
27 of the formation of the new district shall not be affected by
28 the formation of the new district, except in accordance with
29 the provisions of sections 279.15 to 279.18 and 279.24 and the
30 authority and responsibility to offer new contracts or to
31 continue, modify, or terminate existing contracts pursuant to
32 sections 275.12, 275.13, 275.15 to 275.21, 275.23, and 275.24
33 for the school year beginning with the effective date of the
34 reorganization shall be transferred from the boards of the
35 existing districts to the board of the new district on the

* 1 third Tuesday of January prior to the school year the
2 reorganization is effective.

3 2. The collective bargaining agreement of the district
4 with the largest basic enrollment, as defined in section
5 442.4, in the new district shall ~~continue-in-full-force-and~~
6 ~~effect-until-a-successor-agreement-is-negotiated~~ serve as the
7 base agreement and the employees of the other districts
8 involved in the formation of the new district shall
9 automatically be accreted to the bargaining unit of that
10 collective bargaining agreement for purposes of negotiating
11 the contract for the following year without further action by
12 the public employment relations board. If only one collective
13 bargaining agreement is in effect among the districts which
14 are party to the reorganization, then that agreement shall
15 ~~continue-in-full-force-and-effect-until-a-successor-agreement~~
16 ~~is-negotiated~~ serve as the base agreement, and the employees
17 of the other districts involved in the formation of the new
18 district shall automatically be accreted to the bargaining
19 unit of that collective bargaining agreement for purposes of
20 negotiating the contract for the following year without
21 further action by the public employment relations board. The
22 board of the newly formed district, using the base agreement
23 as its existing contract, shall bargain with the combined
24 employees of the existing districts for the school year
25 beginning with the effective date of the reorganization. The
26 bargaining shall be completed by March 15 prior to the school
27 year in which the reorganization becomes effective or within
28 one hundred twenty days after the organization of the new
29 board, whichever is later. If a bargaining agreement was
30 already concluded by the board and employees of the existing
31 district with the contract serving as the base agreement for
32 the school year beginning with the effective date of the
33 reorganization, that agreement shall be void. However, if the
34 base agreement contains multiyear provisions affecting school
35 years subsequent to the effective date of the reorganization,

1 the base agreement shall remain in effect as specified in the
2 agreement.

3 The provisions of the base agreement shall apply to the
4 offering of new contracts, or continuation, modification, or
5 termination of existing contracts as provided in subsection 1
6 of this section.

7 Sec. 6. Section 275.41, Code 1985, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 9. The board of the newly formed district
10 shall appoint an acting superintendent and an acting board
11 secretary. The appointment of the acting superintendent shall
12 not be subject to the continuing contract provision of
13 sections 279.20, 279.23, and 279.24.

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SENATE FILE 398

H-3717

1 Amend Senate File 398 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 12.

4 2. Page 1, by inserting before line 13 the
5 following:

6 "Sec. ____ . Section 275.14, Code 1985, is amended
7 by adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Objection forms shall be
9 prescribed by the department of public instruction and
10 may be obtained from the area education agency
11 administrator. Objection forms that request that
12 property be removed from a proposed district shall
13 include the correct legal description of the property
14 to be removed.

15 Sec. ____ . Section 275.15, Code 1985, is amended to
16 read as follows:

17 275.15 HEARING -- DECISION -- PUBLICATION OF ORDER
18 -- APPEAL.

19 At the hearing, which shall be held within ten days
20 of the final date set for filing objections,
21 interested parties, both petitioners and objectors,
22 may present evidence and arguments, and the area
23 education agency board shall review the matter on its
24 merits and within five ten days after the conclusion
25 of any hearing, shall rule on the objections and shall
26 enter an order fixing such the boundaries for the
27 proposed school corporation as will in its judgment be
28 for the best interests of all parties concerned,
29 having due regard for the welfare of adjoining
30 districts or dismiss the petition.

31 PARAGRAPH DIVIDED. The area education agency
32 board, when entering the order fixing the boundaries,
33 shall consider all requests timely filed for boundary
34 line changes of ~~property-owners-who-reside-on-property~~
35 ~~adjacent-to-the-proposed-boundary-lines.~~

36 If the petition is not dismissed and the board
37 determines that additional information is required in
38 order to fix boundary lines of the proposed school
39 corporation, the board may continue the hearing for no
40 more than thirty days. The date of the continued
41 hearing shall be announced at the original meeting.
42 Additional objections in the form required in section
43 275.14 may be considered if filed with the
44 administrator within five days after the date of the
45 original board hearing. If the hearing is continued,
46 the area education agency administrator may conduct
47 one or more meetings with the boards of directors of
48 the affected districts. Notice of any such meeting
49 must be given at least forty-eight hours in advance by
50 the area education agency administrator in the manner

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Page Two

1 provided in section 21.4. The area education agency
2 board may request that the administrator make
3 alternative recommendations regarding the boundary
4 lines of the proposed school corporation. The area
5 education agency board shall make a decision on the
6 boundary lines within ten days following the
7 conclusion of the continued hearing.

8 PARAGRAPH DIVIDED. The agency administrator shall
9 at once publish ~~this order~~ the decision in the same
10 newspaper in which the original notice was published.
11 Within twenty days after the publication thereof, the
12 decision rendered by the area education agency board
13 may be appealed to the district court in the county
14 involved by any school district affected. For
15 purposes of appeal, only those school districts who
16 filed reorganization petitions are school districts
17 affected. An appeal from a decision of an area
18 education agency board or joint area education agency
19 boards under section 275.4, 275.16, or this section is
20 subject to appeal procedures under this chapter and is
21 not subject to appeal under chapter 290.

22 Sec. ____ . Section 275.16, unnumbered paragraph 1,
23 Code 1985, is amended to read as follows:

24 If the territory described in the petition for the
25 proposed corporation lies in more than one area
26 education agency, the agency administrator with whom
27 the petition is filed shall fix the time and place for
28 a hearing and call a joint meeting of the members of
29 all the agency boards in which any territory of the
30 proposed school corporation lies, to act as a single
31 board for the hearing of the objections, and a
32 majority of members of each of the agency boards of
33 the different agencies in which any part of the
34 proposed corporation lies, constitutes a quorum. The
35 president of the board of directors of the area
36 education agency in which the petition has been filed,
37 or a member of the board designated by the president,
38 shall preside at the joint meeting. The joint boards
39 acting as a single board shall determine whether the
40 petition conforms to plans or, if the petition
41 requests a change in plans, whether a change should be
42 made, and may change the plans of any or all the area
43 education agency boards affected by the petition, ~~and~~
44 it. The joint board shall determine and fix
45 boundaries for the proposed corporation as provided in
46 section 275.15 or dismiss the petition. The joint
47 board may continue the hearing as provided in section
48 275.15.

49 PARAGRAPH DIVIDED. Votes of each member of an area
50 education agency board in attendance shall be weighted

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Page Three

1 so that the total number of votes eligible to be cast
2 by members of each board in attendance shall be equal.
3 However, if the joint boards cast a tie vote and are
4 unable to agree to an-order a decision fixing the
5 boundaries for the proposed school district
6 corporation or to an-order a decision to dismiss the
7 petition, the time during which actions must be taken
8 under section 275.15 shall be extended from five days
9 to fifteen days after the conclusion of the hearing
10 under section 275.15, and the joint board shall
11 reconvene not less than ten and not more than fifteen
12 days after the conclusion of the hearing. At the
13 hearing the joint board shall reconsider its action
14 and if a tie vote is again cast it is an-order a
15 decision granting the petition and changing the plans
16 of any and all of the agency boards affected by the
17 petition and fixing the boundaries for the proposed
18 school corporation. The agency administrator shall at
19 once publish the decision in the same newspaper in
20 which the original notice was published.

21 Sec. ____ . Section 275.18, Code 1985, is amended to
22 read as follows:

23 275.18 SPECIAL ELECTION CALLED -- TIME.

24 When the boundaries of the territory to be included
25 in a proposed school corporation and the number and
26 method of the election of the school directors of the
27 proposed school corporation have been determined as
28 provided in this chapter, the area education agency
29 administrator with whom the petition is filed shall
30 give written notice of the proposed date of the
31 election to the county commissioner of elections of
32 the county in the proposed school corporation which
33 has the greatest taxable base. The proposed date
34 shall be as soon as possible pursuant to sections
35 39.2, subsections 1 and 2, and 47.6, subsections 1 and
36 2, but not later than November 30 of the calendar year
37 prior to the calendar year in which the reorganization
38 will take effect.

39 PARAGRAPH DIVIDED. The county commissioner of
40 elections shall give notice of the election by one
41 publication in the same newspaper in which previous
42 notices have been published regarding the proposed
43 school reorganization, and in addition, if more than
44 one county is involved, by one publication in a legal
45 newspaper in each county other than that of the first
46 publication. The publication shall be not less than
47 four nor more than twenty days prior to the election.
48 If the decision published pursuant to section 275.15
49 or 275.16 includes a description of the proposed
50 school corporation and a description of the director

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Page Four

1 districts, if any, the notice for election and the
2 ballot do not need to include these descriptions.
3 Notice for an election shall not be published until
4 the expiration of time for appeal, which shall be the
5 same as that provided in section 275.15 or 275.16,
6 whichever is applicable; and if there is an appeal,
7 not until the appeal has been disposed of."

8 3. Page 2, by striking lines 6 and 7.

9 4. Page 2, lines 17 and 18, by striking the words
10 "subject to approval by the state comptroller".

H-3717 FILED APRIL 10, 1985 BY COMMITTEE ON EDUCATION

Adopted 4/16/85 (p. 1613)

SENATE FILE 398

H-3787

1 Amend Senate File 398 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 3, by striking line 3 through page 4,
4 line 6 and inserting the following:

5 "2. ~~The collective bargaining agreement of the~~
6 ~~district with the largest basic enrollment, as~~
7 ~~defined in section 442.4, in the new district shall~~
8 ~~continue in full force and effect until a successor~~
9 ~~agreement is negotiated and the employees of the~~
10 ~~other districts involved in the formation of the~~
11 ~~new district shall automatically be accreted to the~~
12 ~~bargaining unit of that collective bargaining~~
13 ~~agreement without further action by the public~~
14 ~~employment relations board; -- if only one collective~~
15 ~~bargaining agreement is in effect among the districts~~
16 ~~which are party to the reorganization, then that~~
17 ~~agreement shall continue in full force and effect~~
18 ~~until a successor agreement is negotiated, and the~~
19 ~~employees of the other districts involved in the~~
20 ~~formation of the new district shall automatically~~
21 ~~be accreted to the bargaining unit of that collective~~
22 ~~bargaining agreement without further action by the~~
23 ~~public employment relations board: Upon approval~~
24 by the voters of the reorganization plan, the public
25 employment relations board shall nullify all collective
26 bargaining agreements in effect as of the effective
27 date of the reorganization. New bargaining units
28 may be formed pursuant to section 20.14, Code 1985,
29 and may be certified by the public employment
30 relations board upon completion of the procedures
31 of sections 20.13 through 20.15, Code 1985."

H-3787 FILED APRIL 15, 1985 BY STROMER of Hancock

Loss 4/16 (p. 1615)

SENATE FILE 398
HOUSE AMENDMENT

1 Amend Senate File 398 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 12.

4 2. Page 1, by inserting before line 13 the
5 following:

6 "Sec. ____ . Section 275.14, Code 1985, is amended
7 by adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Objection forms shall be
9 prescribed by the department of public instruction and
10 may be obtained from the area education agency
11 administrator. Objection forms that request that
12 property be removed from a proposed district shall
13 include the correct legal description of the property
14 to be removed.

15 Sec. ____ . Section 275.15, Code 1985, is amended to
16 read as follows:

17 275.15 HEARING -- DECISION -- PUBLICATION OF ORDER --
18 - APPEAL.

19 At the hearing, which shall be held within ten days
20 of the final date set for filing objections,
21 interested parties, both petitioners and objectors,
22 may present evidence and arguments, and the area
23 education agency board shall review the matter on its
24 merits and within five ten days after the conclusion
25 of any hearing, shall rule on the objections and shall
26 enter an order fixing such the boundaries for the
27 proposed school corporation as will in its judgment be
28 for the best interests of all parties concerned,
29 having due regard for the welfare of adjoining
30 districts or dismiss the petition.

31 PARAGRAPH DIVIDED. The area education agency
32 board, when entering the order fixing the boundaries,
33 shall consider all requests timely filed for boundary
34 line changes of property owners who reside on property
35 adjacent to the proposed boundary lines.

36 If the petition is not dismissed and the board
37 determines that additional information is required in
38 order to fix boundary lines of the proposed school
39 corporation, the board may continue the hearing for no
40 more than thirty days. The date of the continued
41 hearing shall be announced at the original meeting.
42 Additional objections in the form required in section
43 275.14 may be considered if filed with the
44 administrator within five days after the date of the
45 original board hearing. If the hearing is continued,
46 the area education agency administrator may conduct
47 one or more meetings with the boards of directors of
48 the affected districts. Notice of any such meeting
49 must be given at least forty-eight hours in advance by
50 the area education agency administrator in the manner

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1 provided in section 21.4. The area education agency
2 board may request that the administrator make
3 alternative recommendations regarding the boundary
4 lines of the proposed school corporation. The area
5 education agency board shall make a decision on the
6 boundary lines within ten days following the
7 conclusion of the continued hearing.

8 PARAGRAPH DIVIDED. The agency administrator shall
9 at once publish this order the decision in the same
10 newspaper in which the original notice was published.
11 Within twenty days after the publication thereof, the
12 decision rendered by the area education agency board
13 may be appealed to the district court in the county
14 involved by any school district affected. For
15 purposes of appeal, only those school districts who
16 filed reorganization petitions are school districts
17 affected. An appeal from a decision of an area
18 education agency board or joint area education agency
19 boards under section 275.4, 275.16, or this section is
20 subject to appeal procedures under this chapter and is
21 not subject to appeal under chapter 290.

22 Sec. ____ . Section 275.16, unnumbered paragraph 1,
23 Code 1985, is amended to read as follows:

24 If the territory described in the petition for the
25 proposed corporation lies in more than one area
26 education agency, the agency administrator with whom
27 the petition is filed shall fix the time and place for
28 a hearing and call a joint meeting of the members of
29 all the agency boards in which any territory of the
30 proposed school corporation lies, to act as a single
31 board for the hearing of the objections, and a
32 majority of members of each of the agency boards of
33 the different agencies in which any part of the
34 proposed corporation lies, constitutes a quorum. The
35 president of the board of directors of the area
36 education agency in which the petition has been filed,
37 or a member of the board designated by the president,
38 shall preside at the joint meeting. The joint boards
39 acting as a single board shall determine whether the
40 petition conforms to plans or, if the petition
41 requests a change in plans, whether a change should be
42 made, and may change the plans of any or all the area
43 education agency boards affected by the petition, ~~and~~
44 it. The joint board shall determine and fix
45 boundaries for the proposed corporation as provided in
46 section 275.15 or dismiss the petition. The joint
47 board may continue the hearing as provided in section
48 275.15.

49 PARAGRAPH DIVIDED. Votes of each member of an area
50 education agency board in attendance shall be weighted

1 so that the total number of votes eligible to be cast
2 by members of each board in attendance shall be equal.
3 However, if the joint boards cast a tie vote and are
4 unable to agree to an-order a decision fixing the
5 boundaries for the proposed school district
6 corporation or to an-order a decision to dismiss the
7 petition, the time during which actions must be taken
8 under section 275.15 shall be extended from five days
9 to fifteen days after the conclusion of the hearing
10 under section 275.15, and the joint board shall
11 reconvene not less than ten and not more than fifteen
12 days after the conclusion of the hearing. At the
13 hearing the joint board shall reconsider its action
14 and if a tie vote is again cast it is an-order a
15 decision granting the petition and changing the plans
16 of any and all of the agency boards affected by the
17 petition and fixing the boundaries for the proposed
18 school corporation. The agency administrator shall at
19 once publish the decision in the same newspaper in
20 which the original notice was published.

21 Sec. . Section 275.18, Code 1985, is amended to
22 read as follows:

23 275.18 SPECIAL ELECTION CALLED -- TIME.

24 When the boundaries of the territory to be included
25 in a proposed school corporation and the number and
26 method of the election of the school directors of the
27 proposed school corporation have been determined as
28 provided in this chapter, the area education agency
29 administrator with whom the petition is filed shall
30 give written notice of the proposed date of the
31 election to the county commissioner of elections of
32 the county in the proposed school corporation which
33 has the greatest taxable base. The proposed date
34 shall be as soon as possible pursuant to sections
35 39.2, subsections 1 and 2, and 47.6, subsections 1 and
36 2, but not later than November 30 of the calendar year
37 prior to the calendar year in which the reorganization
38 will take effect.

39 PARAGRAPH DIVIDED. The county commissioner of
40 elections shall give notice of the election by one
41 publication in the same newspaper in which previous
42 notices have been published regarding the proposed
43 school reorganization, and in addition, if more than
44 one county is involved, by one publication in a legal
45 newspaper in each county other than that of the first
46 publication. The publication shall be not less than
47 four nor more than twenty days prior to the election.
48 If the decision published pursuant to section 275.15
49 or 275.16 includes a description of the proposed
50 school corporation and a description of the director

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1 districts, if any, the notice for election and the
2 ballot do not need to include these descriptions.

3 Notice for an election shall not be published until
4 the expiration of time for appeal, which shall be the
5 same as that provided in section 275.15 or 275.16,
6 whichever is applicable; and if there is an appeal,
7 not until the appeal has been disposed of."

8 3. Page 2, by striking lines 6 and 7.

9 4. Page 2, lines 17 and 18, by striking the words
10 "subject to approval by the state comptroller".

S-3825 Filed April 18, 1985

RECEIVED FROM THE HOUSE

Senate Journal 4/24/85 (p. 1621)

SENATE FILE 398

AN ACT
RELATING TO SCHOOL REORGANIZATION.

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

Section 1. Section 275.14, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Objection forms shall be prescribed by the department of public instruction and may be obtained from the area education agency administrator. Objection forms that request that property be removed from a proposed district shall include the correct legal description of the property to be removed.

Sec. 2. Section 275.15, Code 1985, is amended to read as follows:

275.15 BEARING -- DECISION -- PUBLICATION OF ORDER -- APPEAL.

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 ten days after the conclusion of any hearing, shall rule on the objections and shall enter an order fixing such the boundaries for the proposed school corporation as well 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.

PARAGRAPH DIVIDED. The area education agency board, when entering the order fixing the boundaries, shall consider all requests timely filed for boundary line changes of property owners who reside on property adjacent to the proposed boundary lines.

If the petition is not dismissed and the board determines that additional information is required in order to fix boundary lines of the proposed school corporation, the board may continue the hearing for no more than thirty days. The date of the continued hearing shall be announced at the original meeting. Additional objections in the form required in section 275.14 may be considered if filed with the administrator within five days after the date of the original board hearing. If the hearing is continued, the area education agency administrator may conduct one or more meetings with the boards of directors of the affected districts. Notice of any such meeting must be given at least forty-eight hours in advance by the area education agency administrator in the manner provided in section 21.4. The area education agency board may request that the administrator make alternative recommendations regarding the boundary lines of the proposed school corporation. The area education agency board shall make a decision on the boundary lines within ten days following the conclusion of the continued hearing.

PARAGRAPH DIVIDED. The agency administrator shall at once publish this order the decision 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. 3. Section 275.16, unnumbered paragraph 1, Code 1985, 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 objections, and a majority of members of each of the agency boards of the different agencies in which any part of the proposed corporation lies, 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 a change should be made, and may change the plans of any or all the area education agency boards affected by the petition; and it. The joint board shall determine and fix boundaries for the proposed corporation as provided in section 275.15 or dismiss the petition. The joint board may continue the hearing as provided in section 275.15.

PARAGRAPH DIVIDED. 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 the joint boards cast a tie vote and are unable to agree to an order a decision fixing the boundaries for the proposed school district corporation or to an order a decision to dismiss the petition, the time during which actions must be taken under section 275.15 shall be extended from five days to fifteen days after the conclusion of the hearing under section 275.15, and the joint board shall reconvene not less than ten and not more than fifteen days after the conclusion of the hearing. At the hearing the joint board shall reconsider its action and

if a tie vote is again cast it is an order a decision 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. 4. Section 275.18, Code 1985, 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 the proposed school corporation have been determined as provided in this chapter, the area education agency administrator with whom 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. 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 November 30 of the calendar year prior to the calendar year in which the reorganization will take effect.

PARAGRAPH DIVIDED. 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, if more than one county is involved, by one publication in a legal newspaper in each county other than that of the first publication. The publication shall be not less than four nor more than twenty days prior to the election. If the decision published pursuant to section 275.15 or 275.16 includes a description of the proposed school corporation and a description of the director districts, if any, the notice for election and the ballot do not need to include these

descriptions. 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 275.15 or 275.16, whichever is applicable; and if there is an appeal, not until the appeal has been disposed of.

Sec. 5. Section 275.25, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The board of the newly formed district shall appoint an acting superintendent and an acting board secretary. The appointment of the acting superintendent shall not be subject to the continuing contract provision of sections 279.20, 279.23, and 279.24.

Sec. 6. Section 275.29, Code 1985, 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 of school corporations and an equitable distribution of the liabilities of the affected corporations or parts of corporations. In addition, if outstanding bonds are in existence in any district, the boards shall meet together prior to March 15 prior to the school year the reorganization is effective to determine the distribution of the bonded indebtedness between the districts so that the newly formed district may certify its budget under the procedures specified in chapter 24. The boards shall consider the mandatory levy required in section 26.2 and shall assure the satisfaction of outstanding obligations of each affected school corporation.

Sec. 7. Section 275.31, Code 1985, is amended to read as follows:

275.31 TAXES TO EFFECT EQUALIZATION.

If necessary to equalize such the division and distribution, the board or boards may provide for the levy of additional taxes, which shall be sufficient to satisfy the mandatory levy required in section 26.2 or other liabilities of the districts, upon the property of any a corporation or part of a corporation and for the distribution of the same tax revenues so as to effect such equalization. When the board or boards are considering the equalization levy, the division and distribution shall not impair the security for outstanding obligations of each affected corporation.

Sec. 8. Section 275.33, Code 1985, is amended to read as follows:

275.33 CONTRACTS NOT AFFECTED.

1. The terms of employment of superintendents, principals, and teachers, for the school year following the effective date of the formation of the new district shall not be affected by the formation of the new district, except in accordance with the provisions of sections 279.15 to 279.18 and 279.24 and the authority and responsibility to offer new contracts or to continue, modify, or terminate existing contracts pursuant to sections 275.17, 275.18, 275.19 to 275.21, 275.23, and 275.24 for the school year beginning with the effective date of the reorganization shall be transferred from the boards of the existing districts to the board of the new district on the third Tuesday of January prior to the school year the reorganization is effective.

2. The collective bargaining agreement of the district with the largest basic enrollment, as defined in section 442.4, in the new district shall continue in full force and effect until a successor agreement is negotiated serve as the base agreement and the employees of the other districts

involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contract for the following year without further action by the public employment relations board. If only one collective bargaining agreement is in effect among the districts which are party to the reorganization, then that agreement shall ~~continue in full force and effect until a successor agreement is negotiated~~ serve as the base agreement, and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contract for the following year without further action by the public employment relations board. The board of the newly formed district, using the base agreement as its existing contract, shall bargain with the combined employees of the existing districts for the school year beginning with the effective date of the reorganization. The bargaining shall be completed by March 15 prior to the school year in which the reorganization becomes effective or within one hundred twenty days after the organization of the new board, whichever is later. If a bargaining agreement was already concluded by the board and employees of the existing district with the contract serving as the base agreement for the school year beginning with the effective date of the reorganization, that agreement shall be void. However, if the base agreement contains multiyear provisions affecting school years subsequent to the effective date of the reorganization, the base agreement shall remain in effect as specified in the agreement.

The provisions of the base agreement shall apply to the offering of new contracts, or continuation, modification, or termination of existing contracts as provided in subsection 1 of this section.

Sec. 9. Section 275.41, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The board of the newly formed district shall appoint an acting superintendent and an acting board secretary. The appointment of the acting superintendent shall not be subject to the continuing contract provision of sections 279.20, 279.23, and 279.24.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVEHSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 398, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 29, 1985

TERRY E. BRANSTAD
Governor