MAR 12 1993

Place On Calendar

HOUSE FILE 496
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 229)

Passed House, ~~Date~~ (p.733) 3/22/93 Passed Senate, Date (p.1181) 4/15/93
Vote: Ayes 97 Nays 2 Vote: Ayes 48 Nays 0
Approved May 25th, 1993

A BILL FOR

1 An Act relating to area education agency and school district
2 procedures regarding school reorganization.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4

HOUSE FILE 496

H-3273
1 Amend House File 496 as follows:
2 1. Page 7, by striking line 30 and inserting the
3 following: "elect a member to create an odd number of
4 members on the board, the term of that member".
By IVERSON of Wright

H-3273 FILED MARCH 12, 1993
(p.732) ADOPTED 3/22/93

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H 496

S.F. _____ H.F. 496

1 Section 1. Section 275.1, Code 1993, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 1A. "Initial board" means the board of a
4 newly reorganized district that is selected pursuant to
5 section 275.25 or 274.41 and functions until the organiza-
6 tional meeting following the fourth regular school election
7 held after the effective date of the reorganization.
8 NEW SUBSECTION. 3A. "Regular board" means the board of a
9 reorganized district that begins to function at the organiza-
10 tional meeting following the fourth regular school election
11 held after the effective date of the school reorganization,
12 and is comprised of members who were elected to the current
13 terms or were appointed to replace members who were elected.
14 Sec. 2. Section 275.2, Code 1993, is amended to read as
15 follows:
16 275.2 SCOPE OF SURVEYS.
17 The scope of the studies and surveys shall include the
18 following matters in the various districts in the area
19 education agency and all districts adjacent to the area
20 education agency: The adequacy of the educational program,
21 pupil enrollment, property valuations, existing buildings and
22 equipment, natural community areas, road conditions,
23 transportation, economic factors, individual attention given
24 to the needs of students, the opportunity of students to
25 participate in a wide variety of activities related to the
26 total development of the student, and other matters that may
27 bear on educational programs meeting minimum standards
28 required by law. The plans shall also include suggested
29 alternate plans that incorporate the school districts in the
30 area education agency into reorganized districts that meet the
31 enrollment standards specified in section 275.3 and may
32 include alternate plans proposed by school districts for
33 sharing programs under section 28E.9, 256.13, 280.15, or
34 282.7, or 282.10 as an alternative to school reorganization.
35 Sec. 3. Section 275.12, subsection 4, Code 1993, is

1 amended to read as follows:
2 4. The area education agency board in reviewing the
3 petition as provided in sections 275.15 and 275.16 shall
4 review the proposed method of election of school directors and
5 may change or amend the plan in any manner, including the
6 changing of boundaries of director districts if proposed, or
7 to specify a different method of electing school directors as
8 may be required by law, justice, equity, and the interest of
9 the people. In the action, the area education agency board
10 shall follow the same procedure as is required by sections
11 275.15 and 275.16 for other action on the petition by the area
12 education agency board. The area education agency shall
13 ascertain that director district boundary lines comply with
14 the provisions of section 275.23A, subsection 1, and shall
15 make adjustments as necessary.
16 Sec. 4. Section 275.15, unnumbered paragraph 2, Code 1993,
17 is amended by striking the paragraph and inserting in lieu
18 thereof the following:
19 The area education agency board, when entering the order
20 fixing the boundaries, shall consider all available evidence
21 including, but not limited to, information presented by the
22 petitioners, all objections requesting territory exclusion,
23 reorganization studies and plans, geographical patterns evi-
24 denced by students using open enrollment to attend school in
25 another district pursuant to section 282.18, potential travel
26 distances required of students, and geographic configuration
27 of the proposed district. The exclusion of territory shall
28 represent a balance between the rights of the objectors and
29 the welfare of the reorganized district.
30 Sec. 5. Section 275.22, Code 1993, is amended to read as
31 follows:
32 275.22 CANVASS AND RETURN.
33 The precinct election officials shall count the ballots,
34 and make return to and deposit the ballots with the county
35 commissioner of elections, who shall enter the return of

1 record in the commissioner's office. The election tally
2 lists, including absentee ballots, shall be listed by
3 individual school district. The county commissioner of
4 elections shall certify the results of the election to the
5 area education agency administrator. If the majority of the
6 votes cast by the qualified electors is in favor of the
7 proposition, as provided in section 275.20, a new school
8 corporation shall be organized. If the majority of votes cast
9 is opposed to the proposition, a new petition describing the
10 identical or similar boundaries shall not be filed for at
11 least six months from the date of the election. If territory
12 is excluded from the reorganized district, action pursuant to
13 section 274.37 shall be taken prior to the effective date of
14 reorganization. The ~~area-education-agency-administrator~~
15 secretary of the new school corporation shall file a written
16 description of the boundaries as provided in section 274.4.
17 Sec. 6. Section 275.28, Code 1993, is amended to read as
18 follows:
19 275.28 PLAN OF DIVISION OF ASSETS AND LIABILITIES.
20 ~~A-plan-of-reorganization-in~~ In addition to setting up the
21 territory to comprise the reorganized districts, a
22 reorganization petition may provide for a division of assets
23 and liabilities of the old districts between reorganized
24 districts. If no provision is made in the ~~plan~~ petition for
25 division of assets and liabilities, ~~such~~ or if territory is
26 excluded from the reorganized district by the petition or by
27 the area education agency board of directors, the division
28 shall be made under the provisions of sections 275.29 to
29 275.31~~,-inclusive,-hereof~~.
30 Sec. 7. Section 275.29, Code 1993, is amended to read as
31 follows:
32 275.29 DIVISION OF ASSETS AND LIABILITIES AFTER
33 REORGANIZATION.
34 Between July 1 and July 20, the board of directors of the
35 newly formed school district shall meet with the boards of ~~all~~

1 the ~~old~~ school districts~~,-or-parts-of-districts,~~ affected by
2 the organization of the new school corporation, including the
3 boards of districts receiving territory of the school
4 districts affected, for the purpose of reaching joint
5 agreement on an equitable division of the assets of the
6 several school corporations or parts of school corporations
7 and an equitable distribution of the liabilities of the
8 affected corporations or parts of corporations. In addition,
9 if outstanding bonds are in existence in any district, the
10 ~~boards~~ initial board of directors of the newly formed school
11 district shall meet ~~together~~ with the boards of all school
12 districts affected prior to ~~March~~ April 15 prior to the school
13 year the reorganization is effective to determine the
14 distribution of the bonded indebtedness between the districts
15 so that the newly formed district may certify its budget under
16 the procedures specified in chapter 24. The boards shall
17 consider the mandatory levy required in section 76.2 and shall
18 assure the satisfaction of outstanding obligations of each
19 affected school corporation. If the petition includes plans
20 for the distribution of the bonded indebtedness, the exclusion
21 of territory from the reorganized district does not require
22 action pursuant to this section.
23 Sec. 8. Section 275.30, Code 1993, is amended to read as
24 follows:
25 275.30 ARBITRATION.
26 If the boards cannot agree on such division and
27 distribution, the matters on which they differ shall be
28 decided by disinterested arbitrators, one selected by ~~each~~ the
29 initial board ~~having-an-interest-therein,-and-if~~ of directors
30 of the newly formed district, one by each of the boards of
31 directors of the school districts affected, and one selected
32 jointly by the boards of directors of contiguous districts
33 receiving territory of the school district affected. If the
34 number ~~thus~~ of arbitrators selected is even, ~~then-one~~ a
35 disinterested arbitrator shall be added by the area education

1 agency administrator. The decision of the arbitrators shall
2 be made in writing and filed with the secretary of the new
3 corporation, and ~~any~~ a party to the proceedings may appeal
4 ~~therefrom~~ the decision to the district court by serving notice
5 ~~thereof~~ on ~~such~~ the secretary of the new corporation within
6 twenty days after the decision is filed. ~~Such~~ The appeal
7 shall be tried in equity and a decree entered determining the
8 entire matter, including the levy, collection, and
9 distribution of any necessary taxes.
10 Sec. 9. Section 275.33, subsection 2, unnumbered paragraph
11 1, Code 1993, is amended to read as follows:
12 The collective bargaining agreement of the district with
13 the largest basic enrollment for the year prior to the
14 reorganization, as defined in section 257.6, in the new
15 district shall serve as the base agreement and the employees
16 of the other districts involved in the formation of the new
17 district shall automatically be accreted to the bargaining
18 unit of that collective bargaining agreement for purposes of
19 negotiating the contracts for the following years without
20 further action by the public employment relations board. If
21 only one collective bargaining agreement is in effect among
22 the districts which are party to the reorganization, then that
23 agreement shall serve as the base agreement, and the employees
24 of the other districts involved in the formation of the new
25 district shall automatically be accreted to the bargaining
26 unit of that collective bargaining agreement for purposes of
27 negotiating the contracts for the following years without
28 further action by the public employment relations board. The
29 board of the newly formed district, using the base agreement
30 as its existing contract, shall bargain with the combined
31 employees of the existing districts for the school year
32 beginning with the effective date of the reorganization. The
33 bargaining shall be completed by ~~March 15~~ the dates specified
34 in section 20.17 prior to the school year in which the
35 reorganization becomes effective or within one hundred eighty

1 days after the organization of the new board, whichever is
2 later. If a bargaining agreement was already concluded by the
3 board and employees of the existing district with the contract
4 serving as the base agreement for the school year beginning
5 with the effective date of the reorganization, that agreement
6 shall be void. However, if the base agreement contains
7 multiyear provisions affecting school years subsequent to the
8 effective date of the reorganization, the base agreement shall
9 remain in effect as specified in the agreement.
10 Sec. 10. Section 275.41, subsection 1, Code 1993, is
11 amended to read as follows:
12 1. As an alternative to the method specified in section
13 275.25 for electing directors in a newly formed community
14 school district, the procedure specified in this section may
15 be used and if used, the petition filed under section 275.12
16 shall state the number of directors on the initial board. If
17 two districts are named in the petition, either five or seven
18 directors shall serve on the initial board. If three or more
19 districts are named in the petition, either seven or nine
20 directors shall serve on the initial board. The petition
21 shall specify the number of directors to be retained from each
22 district, and those numbers shall be proportionate to the
23 populations of the districts. If the exclusion of territory
24 from a reorganization affects the proportionate balance of
25 directors among the affected districts specified in the
26 petition, or if the proposal specified in the petition does
27 not comply with the requirement for proportionate
28 representation, the area education board shall modify the
29 proposal. However, all districts affected shall retain at
30 least one member.
31 Sec. 11. Section 275.41, subsections 2 through 7, Code
32 1993, are amended by striking the subsections and inserting in
33 lieu thereof the following:
34 2. Prior to the organization meeting of the newly formed
35 district, the boards of the former districts shall designate

1 directors to be retained as members to serve on the initial
2 board, and if the total number of directors determined under
3 subsection 1 is an even number, that number of directors shall
4 function and may within five days of the organizational
5 meeting appoint one additional director by unanimous vote with
6 all directors voting. Otherwise, the board shall function
7 until a special election can be held to elect an additional
8 director. The procedure for calling the special election
9 shall be the procedure specified in section 275.25. If there
10 is an insufficient number of board members eligible to be
11 retained from a former school district, the board of the
12 former school district may appoint members to fill the
13 vacancies. A vacancy occurs if there is an insufficient
14 number of former board members who reside in the newly formed
15 district or if there is an insufficient number who are willing
16 to serve on the board of the newly formed district.
17 3. Prior to the effective date of the reorganization, the
18 initial board shall approve a plan that commences at the
19 second regular school election held after the effective date
20 of the merger and is completed at the fourth regular school
21 election held after the effective date of the merger, to
22 replace the initial board with the regular board. If the
23 petition specifies a number of directors on the regular board
24 to be different from the number of directors on the initial
25 board, the plan shall provide that the number specified in the
26 petition for the regular board is in place by the time the
27 regular board is formed. The plan shall provide that as
28 nearly as possible one-third of the members of the board shall
29 be elected each year, and if a special election was held to
30 elect an odd member to the board, the term of that member
31 shall end at the organizational meeting following the fourth
32 regular school election held after the effective date.
33 Sec. 12. Section 275.51, unnumbered paragraph 1, Code
34 1993, is amended to read as follows:
35 As an alternative to school district reorganization

1 prescribed in this chapter, the board of directors of a school
2 district may establish a school district dissolution
3 commission to prepare a proposal of dissolution of the school
4 district and attachment of all of the school district to one
5 or more contiguous school districts and to include in the
6 proposal a division of the assets and liabilities of the
7 dissolving school district. A school district dissolution
8 commission ~~may also~~ shall be established by the board of
9 directors of a school district if a dissolution proposal has
10 been prepared by eligible electors who reside within the
11 district. The proposal must contain the names of the proposed
12 members of the commission and be accompanied by a petition
13 which has been signed by at least twenty percent of the
14 eligible electors.
15 Sec. 13. NEW SECTION. 279.39 SCHOOL BUILDINGS -- TAX
16 LEVY.
17 The board of any school corporation shall establish
18 attendance centers and provide suitable buildings for each
19 school in the district, and may at the regular or a special
20 meeting call a special election to submit to the qualified
21 electors of the district the question of voting a tax or
22 authorizing the board to issue bonds, or both, for any or all
23 of the following purposes:
24 1. To secure sites, build, purchase, or equip school
25 buildings.
26 2. To build or purchase a superintendent's or teacher's
27 house or houses.
28 3. To repair or improve any school building or grounds, or
29 superintendent's or teacher's house or houses, when the cost
30 will exceed five thousand dollars.
31 All moneys received for such purposes shall be placed in
32 the schoolhouse fund of the school corporation and shall be
33 used only for the purpose for which voted.
34 Sec. 14. Section 282.11, unnumbered paragraph 2, Code
35 1993, is amended to read as follows:

1 Not less than thirty days prior to signing a whole grade
2 sharing agreement whereby all or a substantial portion of the
3 pupils in a grade in the district will attend school in
4 another district, the board of directors of each school
5 district that is a party to a proposed sharing agreement shall
6 hold a public hearing at which the proposed agreement is
7 described, and at which the parent or guardian of an affected
8 pupil and certificated employees of the school district shall
9 have an opportunity to comment on the proposed agreement.
10 Within the thirty-day period prior to the signing of the
11 agreement, the parent or guardian of an affected pupil may
12 request the board of directors to send the pupil to another
13 contiguous school district. For the purposes of this section,
14 "affected pupils" are those who under the whole-grade sharing
15 agreement are attending or scheduled to attend the school
16 district specified in the agreement, other than the district
17 of residence, during the term of the agreement. The request
18 shall be based upon one of the following:
19 Sec. 15. Section 300.2, Code 1993, is amended by adding
20 the following new unnumbered paragraph:
21 NEW UNNUMBERED PARAGRAPH. The proposition to levy the
22 public recreation and playground tax is not affected by a
23 change in the boundaries of a school district, except as
24 otherwise provided in this section. If each district involved
25 in school reorganization under chapter 275 has adopted the
26 public recreation and playground tax, and if the voters have
27 not voted upon the proposition to levy the public recreation
28 and playground tax in the reorganized district, the existing
29 public recreation and playground tax shall be in effect for
30 the reorganized district for the least amount that has been
31 approved in any of the districts and until discontinued
32 pursuant to section 300.3.
33 Sec. 16. Section 275.32, Code 1993, is repealed.
34 EXPLANATION
35 This bill provides additional definitions and clarification

1 to the process of school district reorganization. The bill
2 modifies the information that must be considered by area
3 education agencies when forming a reorganization plan and
4 simplifies an alternative method for composing a board of
5 directors of a newly formed school district. The bill also
6 conforms a provision regarding collective bargaining to a 1992
7 change in chapter 20 of the Code of Iowa.
8 Regarding territory excluded by reorganization, the bill
9 requires that the rights of the objectors and the welfare of
10 the reorganized district be balanced, and action regarding the
11 division of bonded indebtedness must be taken prior to the
12 effective date of reorganization if territory is excluded from
13 the reorganized district. If territory is excluded from the
14 reorganized district, the bill requires the division of assets
15 and liabilities shall be made under the provisions in sections
16 275.29 to 275.31.
17 The bill requires area education agencies to review
18 director district boundary lines during a reorganization and
19 make adjustments where necessary. If a special election is
20 held regarding school district reorganization, the election
21 tally lists are required, under the bill, to be listed by
22 individual school district. The date by which the boards of
23 directors of the newly formed school district must meet if
24 outstanding bonds are in existence in a district is moved from
25 the current date of March 15 to April 15.
26 The bill changes a reference to the final date for
27 completing collective bargaining in a newly reorganized
28 district to match the dates resulting from the amending of
29 subsection 11 to section 20.17 of the Code.
30 The bill simplifies an alternative method of election of
31 school directors and defines the terms "initial board,"
32 "regular board," and "affected pupil."
33 The bill also requires that a school district dissolution
34 commission be established by the board of directors of a
35 school district if the eligible electors of the district

1 prepare a dissolution proposal. Currently, the board has the
2 option to establish a dissolution commission.
3 If districts involved in school reorganization have adopted
4 the public recreation and playground tax, the bill provides
5 that unless voters in the reorganized district vote otherwise,
6 the existing public recreation and playground tax for the
7 least amount that has been approved in any of the districts
8 shall be in effect for the reorganized district.
9 The bill moves a provision regarding a tax levy for school
10 buildings to a more appropriate chapter, from chapter 275,
11 which provides for matters of school reorganization, to
12 chapter 279, which provides for the powers and duties of
13 school board directors.
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S- 3/25/93 Education
Senate 4/8/93 Amend/Do Pass
w/ S-3449

HOUSE FILE 496
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 229)

(As Amended and Passed by the House March 22, 1993)

Passed House, (P.1551) Date 4/22/93 Passed Senate, (P.1181) Date 4/15/93
Vote: Ayes 94 Nays 6 Vote: Ayes 48 Nays 0
Approved May 25, 1993 Repassed 49/0 4.29.93 (P.1452)

A BILL FOR

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5 House Amendments _____
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18 unit of that collective bargaining agreement for purposes of
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30 as its existing contract, shall bargain with the combined
31 employees of the existing districts for the school year
32 beginning with the effective date of the reorganization. The
33 bargaining shall be completed by ~~March 15~~ the dates specified
34 in section 20.17 prior to the school year in which the
35 reorganization becomes effective or within one hundred eighty

1 days after the organization of the new board, whichever is
2 later. If a bargaining agreement was already concluded by the
3 board and employees of the existing district with the contract
4 serving as the base agreement for the school year beginning
5 with the effective date of the reorganization, that agreement
6 shall be void. However, if the base agreement contains
7 multiyear provisions affecting school years subsequent to the
8 effective date of the reorganization, the base agreement shall
9 remain in effect as specified in the agreement.
10 Sec. 10. Section 275.41, subsection 1, Code 1993, is
11 amended to read as follows:
12 1. As an alternative to the method specified in section
13 275.25 for electing directors in a newly formed community
14 school district, the procedure specified in this section may
15 be used and if used, the petition filed under section 275.12
16 shall state the number of directors on the initial board. If
17 two districts are named in the petition, either five or seven
18 directors shall serve on the initial board. If three or more
19 districts are named in the petition, either seven or nine
20 directors shall serve on the initial board. The petition
21 shall specify the number of directors to be retained from each
22 district, and those numbers shall be proportionate to the
23 populations of the districts. If the exclusion of territory
24 from a reorganization affects the proportionate balance of
25 directors among the affected districts specified in the
26 petition, or if the proposal specified in the petition does
27 not comply with the requirement for proportionate
28 representation, the area education board shall modify the
29 proposal. However, all districts affected shall retain at
30 least one member.
31 Sec. 11. Section 275.41, subsections 2 through 7, Code
32 1993, are amended by striking the subsections and inserting in
33 lieu thereof the following:
34 2. Prior to the organization meeting of the newly formed
35 district, the boards of the former districts shall designate

1 directors to be retained as members to serve on the initial
2 board, and if the total number of directors determined under
3 subsection 1 is an even number, that number of directors shall
4 function and may within five days of the organizational
5 meeting appoint one additional director by unanimous vote with
6 all directors voting. Otherwise, the board shall function
7 until a special election can be held to elect an additional
8 director. The procedure for calling the special election
9 shall be the procedure specified in section 275.25. If there
10 is an insufficient number of board members eligible to be
11 retained from a former school district, the board of the
12 former school district may appoint members to fill the
13 vacancies. A vacancy occurs if there is an insufficient
14 number of former board members who reside in the newly formed
15 district or if there is an insufficient number who are willing
16 to serve on the board of the newly formed district.
17 3. Prior to the effective date of the reorganization, the
18 initial board shall approve a plan that commences at the
19 second regular school election held after the effective date
20 of the merger and is completed at the fourth regular school
21 election held after the effective date of the merger, to
22 replace the initial board with the regular board. If the
23 petition specifies a number of directors on the regular board
24 to be different from the number of directors on the initial
25 board, the plan shall provide that the number specified in the
26 petition for the regular board is in place by the time the
27 regular board is formed. The plan shall provide that as
28 nearly as possible one-third of the members of the board shall
29 be elected each year, and if a special election was held to
30 elect a member to create an odd number of members on the
31 board, the term of that member shall end at the organizational
32 meeting following the fourth regular school election held
33 after the effective date.
34 Sec. 12. Section 275.51, unnumbered paragraph 1, Code
35 1993, is amended to read as follows:

1 As an alternative to school district reorganization
2 prescribed in this chapter, the board of directors of a school
3 district may establish a school district dissolution
4 commission to prepare a proposal of dissolution of the school
5 district and attachment of all of the school district to one
6 or more contiguous school districts and to include in the
7 proposal a division of the assets and liabilities of the
8 dissolving school district. A school district dissolution
9 commission ~~may also~~ shall be established by the board of
10 directors of a school district if a dissolution proposal has
11 been prepared by eligible electors who reside within the
12 district. The proposal must contain the names of the proposed
13 members of the commission and be accompanied by a petition
14 which has been signed by at least twenty percent of the
15 eligible electors.
16 Sec. 13. NEW SECTION. 279.39 SCHOOL BUILDINGS -- TAX
17 LEVY.
18 The board of any school corporation shall establish
19 attendance centers and provide suitable buildings for each
20 school in the district, and may at the regular or a special
21 meeting call a special election to submit to the qualified
22 electors of the district the question of voting a tax or
23 authorizing the board to issue bonds, or both, for any or all
24 of the following purposes:
25 1. To secure sites, build, purchase, or equip school
26 buildings.
27 2. To build or purchase a superintendent's or teacher's
28 house or houses.
29 3. To repair or improve any school building or grounds, or
30 superintendent's or teacher's house or houses, when the cost
31 will exceed five thousand dollars.
32 All moneys received for such purposes shall be placed in
33 the schoolhouse fund of the school corporation and shall be
34 used only for the purpose for which voted.
35 Sec. 14. Section 282.11, unnumbered paragraph 2, Code

1 1993, is amended to read as follows:
2 Not less than thirty days prior to signing a whole grade
3 sharing agreement whereby all or a substantial portion of the
4 pupils in a grade in the district will attend school in
5 another district, the board of directors of each school
6 district that is a party to a proposed sharing agreement shall
7 hold a public hearing at which the proposed agreement is
8 described, and at which the parent or guardian of an affected
9 pupil and certificated employees of the school district shall
10 have an opportunity to comment on the proposed agreement.
11 Within the thirty-day period prior to the signing of the
12 agreement, the parent or guardian of an affected pupil may
13 request the board of directors to send the pupil to another
14 contiguous school district. For the purposes of this section,
15 "affected pupils" are those who under the whole-grade sharing
16 agreement are attending or scheduled to attend the school
17 district specified in the agreement, other than the district
18 of residence, during the term of the agreement. The request
19 shall be based upon one of the following:
20 Sec. 15. Section 300.2, Code 1993, is amended by adding
21 the following new unnumbered paragraph:
22 NEW UNNUMBERED PARAGRAPH. The proposition to levy the
23 public recreation and playground tax is not affected by a
24 change in the boundaries of a school district, except as
25 otherwise provided in this section. If each district involved
26 in school reorganization under chapter 275 has adopted the
27 public recreation and playground tax, and if the voters have
28 not voted upon the proposition to levy the public recreation
29 and playground tax in the reorganized district, the existing
30 public recreation and playground tax shall be in effect for
31 the reorganized district for the least amount that has been
32 approved in any of the districts and until discontinued
33 pursuant to section 300.3.
34 Sec. 16. Section 275.32, Code 1993, is repealed.
35

HOUSE FILE 496

H-4103

1 Amend the amendment, H-3991, to House File 496, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "___. Page 1, by inserting before line 1 the
7 following:
8 "Section 1. Section 257.12, unnumbered paragraph
9 1, Code 1993, is amended to read as follows:
10 In determining weighted enrollment under section
11 257.6, if the board of directors of a school district
12 has approved a contract for sharing under section
13 442.39, subsection 2 or 4, Code 1991, or section
14 257.11 and the school district has initiated an action
15 prior to November 30, 1990, to bring about a
16 reorganization, the reorganized school district shall
17 include, for a period of ~~five~~ six years following the
18 effective date of the reorganization, additional
19 pupils added by the application of the supplementary
20 weighting plan, equal to the pupils added by the
21 application of the supplementary weighting plan in the
22 year preceding the reorganization. For the purposes
23 of this paragraph, the weighted enrollment for the
24 period of six years following the effective date of
25 reorganization shall include the supplementary
26 weighting in the base year used for determining the
27 combined district cost for the first year of the
28 reorganization. However, the weighting shall be
29 reduced by the supplementary weighting added for a
30 pupil whose residency is not within the reorganized
31 district. For purposes of this ~~section~~ paragraph, a
32 reorganized district is one in which the
33 reorganization was approved in an election pursuant to
34 sections 275.18 and 275.20 and takes effect on or
35 after July 1, 1991, and on or before July 1, 1993.
36 Each district which initiated, by a vote of the board
37 of directors or jointly by the affected boards, action
38 to bring about a reorganization or dissolution by
39 November 30, 1990, shall certify the date and the
40 nature of the action taken to the department of
41 education by September 1, 1991.
42 Sec. ___. Section 257.12, unnumbered paragraph 2,
43 Code 1993, is amended to read as follows:
44 A reorganized school district in which eligible
45 pupils were added under section 442.39A, Code 1991,
46 shall continue to have pupils added, subject to the
47 changes in weighting made under section 257.11, until
48 the expiration of the ~~five-year~~ period provided in
49 ~~section 442.39A, Code 1991~~ this paragraph. For the
50 purposes of this paragraph, the weighted enrollment

H-4103
Page 2
1 continues for a period of six years following the
2 effective date of reorganization and shall include the
3 supplementary weighting in the base year used for
4 determining the combined district cost for the first
5 year of the reorganization.""
6 2. Page 1, by inserting after line 9 the
7 following:
8 "___. Title page, line 1, by inserting after the
9 word "to" the following: "supplementary weighting
10 and"."
11 3. By renumbering as necessary.

By GREIG of Emmet
IVERSON of Wright
DINKLA of Guthrie
PETERSON of Carroll
MERTZ of Kossuth

H-4103 FILED APRIL 20, 1993
Adopted 4/22/93 (P. 1551)

SENATE AMENDMENT TO HOUSE FILE 496

H-3991
1 Amend House File 496, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, lines 16 and 17, by striking the words
4 " -- TAX LEVY".
5 2. Page 8, line 20, by striking the word
6 "district," and inserting the following: "district".
7 3. Page 8, by striking lines 23 through 34 and
8 inserting the following: "authorizing the board to
9 issue bonds, or both."

RECEIVED FROM THE SENATE

H-3991 FILED APRIL 15, 1993
House Concurred 4/22/93 (P. 1551)

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 496

S-3604

1 Amend the amendment, H-3991, to House File 496, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "___. Page 1, by inserting before line 1 the
7 following:
8 "Section 1. Section 257.12, unnumbered paragraph
9 1, Code 1993, is amended to read as follows:
10 In determining weighted enrollment under section
11 257.6, if the board of directors of a school district
12 has approved a contract for sharing under section
13 442.39, subsection 2 or 4, Code 1991, or section
14 257.11 and the school district has initiated an action
15 prior to November 30, 1990, to bring about a
16 reorganization, the reorganized school district shall
17 include, for a period of ~~five~~ six years following the
18 effective date of the reorganization, additional
19 pupils added by the application of the supplementary
20 weighting plan, equal to the pupils added by the
21 application of the supplementary weighting plan in the
22 year preceding the reorganization. For the purposes
23 of this paragraph, the weighted enrollment for the
24 period of six years following the effective date of
25 reorganization shall include the supplementary
26 weighting in the base year used for determining the
27 combined district cost for the first year of the
28 reorganization. However, the weighting shall be
29 reduced by the supplementary weighting added for a
30 pupil whose residency is not within the reorganized
31 district. For purposes of this ~~section~~ paragraph, a
32 reorganized district is one in which the
33 reorganization was approved in an election pursuant to
34 sections 275.18 and 275.20 and takes effect on or
35 after July 1, 1991, and on or before July 1, 1993.
36 Each district which initiated, by a vote of the board
37 of directors or jointly by the affected boards, action
38 to bring about a reorganization or dissolution by
39 November 30, 1990, shall certify the date and the
40 nature of the action taken to the department of
41 education by September 1, 1991.
42 Sec. ___. Section 257.12, unnumbered paragraph 2,
43 Code 1993, is amended to read as follows:
44 A reorganized school district in which eligible
45 pupils were added under section 442.39A, Code 1991,
46 shall continue to have pupils added, subject to the
47 changes in weighting made under section 257.11, until
48 the expiration of the ~~five-year~~ period provided in
49 ~~section 442.39A, Code 1991~~ this paragraph. For the
50 purposes of this paragraph, the weighted enrollment

S-3604
Page 2

1 continues for a period of six years following the
2 effective date of reorganization and shall include the
3 supplementary weighting in the base year used for
4 determining the combined district cost for the first
5 year of the reorganization.""
6 2. Page 1, by inserting after line 9 the
7 following:
8 "___. Title page, line 1, by inserting after the
9 word "to" the following: "supplementary weighting
10 and"."
11 3. By renumbering as necessary.

Senate Concurred 4/29/93 (p. 1452) RECEIVED FROM THE HOUSE
S-3604 FILED APRIL 23, 1993

HOUSE FILE 496

S-3449
1 Amend House File 496, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, lines 16 and 17, by striking the words
4 " -- TAX LEVY".
5 2. Page 8, line 20, by striking the word
6 "district," and inserting the following: "district".
7 3. Page 8, by striking lines 23 through 34 and
8 inserting the following: "authorizing the board to
9 issue bonds, or both."

By COMMITTEE ON EDUCATION
MIKE CONNOLLY, Chairperson

adopted 4/15/93 (p. 1181)
S-3449 FILED APRIL 8, 1993

Iverson, chair
Kistler
Dickinson

NSB 229

EDUCATION

SENATE/HOUSE FILE 496
BY (PROPOSED DEPARTMENT OF EDUCATION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to area education agency and school district
2 procedures regarding school reorganization.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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kh/jw/5

S.F. _____ H.F. _____

1 Section 1. Section 275.1, Code 1993, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 1A. "Initial board" means the board of a
4 newly reorganized district that is selected pursuant to
5 section 275.25 or 274.41 and functions until the organiza-
6 tional meeting following the fourth regular school election
7 held after the effective date of the reorganization.
8 NEW SUBSECTION. 3A. "Regular board" means the board of a
9 reorganized district that begins to function at the organiza-
10 tional meeting following the fourth regular school election
11 held after the effective date of the school reorganization,
12 and is comprised of members who were elected to the current
13 terms or were appointed to replace members who were elected.
14 Sec. 2. Section 275.2, Code 1993, is amended to read as
15 follows:
16 275.2 SCOPE OF SURVEYS.
17 The scope of the studies and surveys shall include the
18 following matters in the various districts in the area
19 education agency and all districts adjacent to the area
20 education agency: The adequacy of the educational program,
21 pupil enrollment, property valuations, existing buildings and
22 equipment, natural community areas, road conditions,
23 transportation, economic factors, individual attention given
24 to the needs of students, the opportunity of students to
25 participate in a wide variety of activities related to the
26 total development of the student, and other matters that may
27 bear on educational programs meeting minimum standards
28 required by law. The plans shall also include suggested
29 alternate plans that incorporate the school districts in the
30 area education agency into reorganized districts that meet the
31 enrollment standards specified in section 275.3 and may
32 include alternate plans proposed by school districts for
33 sharing programs under section 28E.9, 256.13, 280.15, ~~or~~
34 282.7, or 282.10 as an alternative to school reorganization.
35 The plans developed by the area education agencies may list

1 the most acceptable choices of contiguous districts for each
2 district under the enrollment specified in section 275.3 and
3 shall list the contiguous districts that are unacceptable or
4 least acceptable choices. The area education agencies are
5 encouraged to address the issues of dissolution or severance
6 of territory for inclusion in other districts as parts of the
7 plans.
8 Sec. 3. Section 275.12, subsection 4, Code 1993, is
9 amended to read as follows:
10 4. The area education agency board in reviewing the
11 petition as provided in sections 275.15 and 275.16 shall
12 review the proposed method of election of school directors and
13 may change or amend the plan in any manner, including the
14 changing of boundaries of director districts if proposed, or
15 to specify a different method of electing school directors as
16 may be required by law, justice, equity, and the interest of
17 the people. In the action, the area education agency board
18 shall follow the same procedure as is required by sections
19 275.15 and 275.16 for other action on the petition by the area
20 education agency board. The area education agency shall
21 ascertain that director district boundary lines comply with
22 the provisions of section 275.23A, subsection 1, and shall
23 make adjustments as necessary.
24 Sec. 4. Section 275.15, unnumbered paragraph 2, Code 1993,
25 is amended by striking the paragraph and inserting in lieu
26 thereof the following:
27 The area education agency board, when entering the order
28 fixing the boundaries, shall consider all available evidence
29 including, but not limited to, information presented by the
30 petitioners, all objections requesting territory exclusion,
31 reorganization studies and plans, geographical patterns evi-
32 denced by students using open enrollment to attend school in
33 another district pursuant to section 282.18, potential travel
34 distances required of students, and geographic configuration
35 of the proposed district. The exclusion of territory shall

1 represent a balance between the rights of the objectors and
2 the welfare of the reorganized district.
3 Sec. 5. Section 275.22, Code 1993, is amended to read as
4 follows:
5 275.22 CANVASS AND RETURN.
6 The precinct election officials shall count the ballots,
7 and make return to and deposit the ballots with the county
8 commissioner of elections, who shall enter the return of
9 record in the commissioner's office. The election tally
10 lists, including absentee ballots, shall be listed by
11 individual school district. The county commissioner of
12 elections shall certify the results of the election to the
13 area education agency administrator. If the majority of the
14 votes cast by the qualified electors is in favor of the
15 proposition, as provided in section 275.20, a new school
16 corporation shall be organized. If the majority of votes cast
17 is opposed to the proposition, a new petition describing the
18 identical or similar boundaries shall not be filed for at
19 least six months from the date of the election. If territory
20 is excluded from the reorganized district, action pursuant to
21 section 274.37 shall be taken prior to the effective date of
22 reorganization. The ~~area-education-agency-administrator~~
23 secretary of the new school corporation shall file a written
24 description of the boundaries as provided in section 274.4.
25 Sec. 6. Section 275.28, Code 1993, is amended to read as
26 follows:
27 275.28 PLAN OF DIVISION OF ASSETS AND LIABILITIES.
28 ~~A-plan-of-reorganization-in~~ In addition to setting up the
29 territory to comprise the reorganized districts, a
30 reorganization petition may provide for a division of assets
31 and liabilities of the old districts between reorganized
32 districts. If no provision is made in the ~~plan~~ petition for
33 division of assets and liabilities, ~~such~~ or if territory is
34 excluded from the reorganized district by the petition or by
35 the area education agency board of directors, the division

1 shall be made under the provisions of sections 275.29 to
2 275.31~~,-inclusive,-hereof~~.
3 Sec. 7. Section 275.29, Code 1993, is amended to read as
4 follows:
5 275.29 DIVISION OF ASSETS AND LIABILITIES AFTER
6 REORGANIZATION.
7 Between July 1 and July 20, the board of directors of the
8 newly formed school district shall meet with the boards of ~~all~~
9 the ~~old~~ school districts~~,-or-parts-of-districts,~~ affected by
10 the organization of the new school corporation, including the
11 boards of districts receiving territory of the school
12 districts affected, for the purpose of reaching joint
13 agreement on an equitable division of the assets of the
14 several school corporations or parts of school corporations
15 and an equitable distribution of the liabilities of the
16 affected corporations or parts of corporations. In addition,
17 if outstanding bonds are in existence in any district, the
18 ~~boards~~ initial board of directors of the newly formed school
19 district shall meet ~~together~~ with the boards of all school
20 districts affected prior to ~~March~~ April 15 prior to the school
21 year the reorganization is effective to determine the
22 distribution of the bonded indebtedness between the districts
23 so that the newly formed district may certify its budget under
24 the procedures specified in chapter 24. The boards shall
25 consider the mandatory levy required in section 76.2 and shall
26 assure the satisfaction of outstanding obligations of each
27 affected school corporation. If the petition includes plans
28 for the distribution of the bonded indebtedness, the exclusion
29 of territory from the reorganized district does not require
30 action pursuant to this section.
31 Sec. 8. Section 275.30, Code 1993, is amended to read as
32 follows:
33 275.30 ARBITRATION.
34 If the boards cannot agree on such division and
35 distribution, the matters on which they differ shall be

1 decided by disinterested arbitrators, one selected by ~~each~~ the
2 initial board ~~having an interest therein, and if~~ of directors
3 of the newly formed district, one by each of the boards of
4 directors of the school districts affected, and one selected
5 jointly by the boards of directors of contiguous districts
6 receiving territory of the school district affected. If the
7 number ~~thus~~ of arbitrators selected is even, ~~then one~~ a
8 disinterested arbitrator shall be added by the area education
9 agency administrator. The decision of the arbitrators shall
10 be made in writing and filed with the secretary of the new
11 corporation, and ~~any~~ a party to the proceedings may appeal
12 ~~therefrom~~ the decision to the district court by serving notice
13 ~~thereof~~ on ~~such~~ the secretary of the new corporation within
14 twenty days after the decision is filed. ~~Such~~ The appeal
15 shall be tried in equity and a decree entered determining the
16 entire matter, including the levy, collection, and
17 distribution of any necessary taxes.
18 Sec. 9. Section 275.33, subsection 2, unnumbered paragraph
19 1, Code 1993, is amended to read as follows:
20 The collective bargaining agreement of the district with
21 the largest basic enrollment for the year prior to the
22 reorganization, as defined in section 257.6, in the new
23 district shall serve as the base agreement and the employees
24 of the other districts involved in the formation of the new
25 district shall automatically be accreted to the bargaining
26 unit of that collective bargaining agreement for purposes of
27 negotiating the contracts for the following years without
28 further action by the public employment relations board. If
29 only one collective bargaining agreement is in effect among
30 the districts which are party to the reorganization, then that
31 agreement shall serve as the base agreement, and the employees
32 of the other districts involved in the formation of the new
33 district shall automatically be accreted to the bargaining
34 unit of that collective bargaining agreement for purposes of
35 negotiating the contracts for the following years without

1 further action by the public employment relations board. The
2 board of the newly formed district, using the base agreement
3 as its existing contract, shall bargain with the combined
4 employees of the existing districts for the school year
5 beginning with the effective date of the reorganization. The
6 bargaining shall be completed by ~~March 15~~ the dates specified
7 in section 20.17 prior to the school year in which the
8 reorganization becomes effective or within one hundred eighty
9 days after the organization of the new board, whichever is
10 later. If a bargaining agreement was already concluded by the
11 board and employees of the existing district with the contract
12 serving as the base agreement for the school year beginning
13 with the effective date of the reorganization, that agreement
14 shall be void. However, if the base agreement contains
15 multiyear provisions affecting school years subsequent to the
16 effective date of the reorganization, the base agreement shall
17 remain in effect as specified in the agreement.
18 Sec. 10. Section 275.41, subsection 1, Code 1993, is
19 amended to read as follows:
20 1. As an alternative to the method specified in section
21 275.25 for electing directors in a newly formed community
22 school district, the procedure specified in this section may
23 be used and if used, the petition filed under section 275.12
24 shall state the number of directors on the initial board. If
25 two districts are named in the petition, either five or seven
26 directors shall serve on the initial board. If three or more
27 districts are named in the petition, either seven or nine
28 directors shall serve on the initial board. The petition
29 shall specify the number of directors to be retained from each
30 district, and those numbers shall be proportionate to the
31 populations of the districts. If the exclusion of territory
32 from a reorganization affects the proportionate balance of
33 directors among the affected districts specified in the
34 petition, or if the proposal specified in the petition does
35 not comply with the requirement for proportionate

1 representation, the area education board shall modify the
2 proposal. However, all districts affected shall retain at
3 least one member.
4 Sec. 11. Section 275.41, subsections 2 through 7, Code
5 1993, are amended by striking the subsections and inserting in
6 lieu thereof the following:
7 2. Prior to the organization meeting of the newly formed
8 district, the boards of the former districts shall designate
9 directors to be retained as members to serve on the initial
10 board, and if the total number of directors determined under
11 subsection 1 is an even number, that number of directors shall
12 function and may within five days of the organizational
13 meeting appoint one additional director by unanimous vote with
14 all directors voting. Otherwise, the board shall function
15 until a special election can be held to elect an additional
16 director. The procedure for calling the special election
17 shall be the procedure specified in section 275.25. If there
18 is an insufficient number of board members eligible to be
19 retained from a former school district, the board of the
20 former school district may appoint members to fill the
21 vacancies. A vacancy occurs if there is an insufficient
22 number of former board members who reside in the newly formed
23 district or if there is an insufficient number who are willing
24 to serve on the board of the newly formed district.
25 3. Prior to the effective date of the reorganization, the
26 initial board shall approve a plan that commences at the
27 second regular school election held after the effective date
28 of the merger and is completed at the fourth regular school
29 election held after the effective date of the merger, to
30 replace the initial board with the regular board. If the
31 petition specifies a number of directors on the regular board
32 to be different from the number of directors on the initial
33 board, the plan shall provide that the number specified in the
34 petition for the regular board is in place by the time the
35 regular board is formed. The plan shall provide that as

1 nearly as possible one-third of the members of the board shall
2 be elected each year, and if a special election was held to
3 elect an odd member to the board, the term of that member
4 shall end at the organizational meeting following the fourth
5 regular school election held after the effective date.
6 Sec. 12. Section 275.51, unnumbered paragraph 1, Code
7 1993, is amended to read as follows:
8 As an alternative to school district reorganization
9 prescribed in this chapter, the board of directors of a school
10 district may establish a school district dissolution
11 commission to prepare a proposal of dissolution of the school
12 district and attachment of all of the school district to one
13 or more contiguous school districts and to include in the
14 proposal a division of the assets and liabilities of the
15 dissolving school district. A school district dissolution
16 commission ~~may also~~ shall be established by the board of
17 directors of a school district if a dissolution proposal has
18 been prepared by eligible electors who reside within the
19 district. The proposal must contain the names of the proposed
20 members of the commission and be accompanied by a petition
21 which has been signed by at least twenty percent of the
22 eligible electors.
23 Sec. 13. NEW SECTION. 279.39 SCHOOL BUILDINGS -- TAX
24 LEVY.
25 The board of any school corporation shall establish
26 attendance centers and provide suitable buildings for each
27 school in the district, and may at the regular or a special
28 meeting call a special election to submit to the qualified
29 electors of the district the question of voting a tax or
30 authorizing the board to issue bonds, or both, for any or all
31 of the following purposes:
32 1. To secure sites, build, purchase, or equip school
33 buildings.
34 2. To build or purchase a superintendent's or teacher's
35 house or houses.

1 3. To repair or improve any school building or grounds, or
2 superintendent's or teacher's house or houses, when the cost
3 will exceed five thousand dollars.
4 All moneys received for such purposes shall be placed in
5 the schoolhouse fund of the school corporation and shall be
6 used only for the purpose for which voted.
7 Sec. 14. Section 282.11, unnumbered paragraph 2, Code
8 1993, is amended to read as follows:
9 Not less than thirty days prior to signing a whole grade
10 sharing agreement whereby all or a substantial portion of the
11 pupils in a grade in the district will attend school in
12 another district, the board of directors of each school
13 district that is a party to a proposed sharing agreement shall
14 hold a public hearing at which the proposed agreement is
15 described, and at which the parent or guardian of an affected
16 pupil and certificated employees of the school district shall
17 have an opportunity to comment on the proposed agreement.
18 Within the thirty-day period prior to the signing of the
19 agreement, the parent or guardian of an affected pupil may
20 request the board of directors to send the pupil to another
21 contiguous school district. <u>For the purposes of this section,</u>
22 <u>"affected pupils" are those who under the whole-grade sharing</u>
23 <u>agreement are attending or scheduled to attend the school</u>
24 <u>district specified in the agreement, other than the district</u>
25 <u>of residence, during the term of the agreement.</u> The request
26 shall be based upon one of the following:
27 Sec. 15. Section 300.2, Code 1993, is amended by adding
28 the following new unnumbered paragraph:
29 <u>NEW UNNUMBERED PARAGRAPH</u>. The proposition to levy the
30 public recreation and playground tax is not affected by a
31 change in the boundaries of a school district, except as
32 otherwise provided in this section. If each district involved
33 in school reorganization under chapter 275 has adopted the
34 public recreation and playground tax, and if the voters have
35 not voted upon the proposition to levy the public recreation

1 and playground tax in the reorganized district, the existing
2 public recreation and playground tax shall be in effect for
3 the reorganized district for the least amount that has been
4 approved in any of the districts and until discontinued
5 pursuant to section 300.3.
6 Sec. 16. Section 275.32, Code 1993, is repealed.
7 EXPLANATION
8 This bill provides additional definitions and clarification
9 to the process of school district reorganization. The bill
10 modifies the information that must be considered by area
11 education agencies when forming a reorganization plan and
12 simplifies an alternative method for composing a board of
13 directors of a newly formed school district. The bill also
14 conforms a provision regarding collective bargaining to a 1992
15 change in chapter 20 of the Code of Iowa.
16 The bill states that while reorganization plans may list
17 the most acceptable choices of contiguous districts, the plans
18 are required to list the unacceptable or least acceptable
19 contiguous districts. The terms "initial board," "regular
20 board," and "affected pupil" are defined in the bill.
21 Regarding territory excluded by reorganization, the bill
22 requires that the rights of the objectors and the welfare of
23 the reorganized district be balanced, and action regarding the
24 division of bonded indebtedness must be taken prior to the
25 effective date of reorganization if territory is excluded from
26 the reorganized district. If territory is excluded from the
27 reorganized district, the bill requires the division of assets
28 and liabilities shall be made under the provisions in sections
29 275.29 to 275.31.
30 The bill requires area education agencies to review
31 director district boundary lines during a reorganization and
32 make adjustments where necessary. If a special election is
33 held regarding school district reorganization, the election
34 tally lists are required, under the bill, to be listed by
35 individual school district. The date by which the boards of

1 directors of the newly formed school district must meet if
2 outstanding bonds are in existence in a district is moved from
3 the current date of March 15 to April 15.
4 The bill changes a reference to the final date for
5 completing collective bargaining in a newly reorganized
6 district to match the dates resulting from the amending of
7 subsection 11 to section 20.17 of the Code. The bill
8 simplifies an alternative method of election of school
9 directors.
10 The bill also requires that a school district dissolution
11 commission be established by the board of directors of a
12 school district if the eligible electors of the district
13 prepare a dissolution proposal. Currently, the board has the
14 option to establish a dissolution commission.
15 If districts involved in school reorganization have adopted
16 the public recreation and playground tax, the bill provides
17 that unless voters in the reorganized district vote otherwise,
18 the existing public recreation and playground tax for the
19 least amount that has been approved in any of the districts
20 shall be in effect for the reorganized district.
21 The bill moves a provision regarding a tax levy for school
22 buildings to a more appropriate chapter, from chapter 275,
23 which provides for matters of school reorganization, to
24 chapter 279, which provides for the powers and duties of
25 school board directors.
26 BACKGROUND STATEMENT
27 SUBMITTED BY THE AGENCY
28 During the past school year voluntary school reorganization
29 activities have been occurring at a more accelerated rate than
30 at any time since the 1950s and early 1960s. We currently
31 have 418 school districts in Iowa and will have 397 districts
32 effective July 1, 1993. The department of education is
33 proposing legislation which will clarify area education agency
34 and local school district procedures relating to school
35 reorganization.

1 Sections 2 through 4 relate to the role of the area
2 education agency in school district reorganization. Section 2
3 requires that area education agency reorganization plans
4 include recommendations that are more specific. Section 3
5 clarifies that area education agencies must review director
6 district boundary lines during a reorganization and section 4
7 provides guidance to area education agencies for fixing
8 boundary lines for reorganized districts, especially in
9 situations where exclusion of territory is involved.
10 Section 5 specifies that in the vote for reorganization of
11 school districts, the canvass of ballots is to count the
12 results separately for each district, including the absentee
13 ballots. This is to rectify the few instances where county
14 election officials counted the absentee ballots as one
15 precinct. Sections 6 through 8 define more clearly which
16 districts are to be included in the division of assets and
17 liabilities. These sections make reference to which districts
18 are affected by a reorganization. Section 13 moves a section
19 of the Code that deals with board of director authorities to a
20 more appropriate place in the Code. Section 9 changes the
21 reference to the final date for completing collective
22 bargaining in a newly reorganized district to match the date
23 specified in a recent amendment to the collective bargaining
24 chapter.
25 Sections 10 and 11 replace the explicit directions for
26 forming and phasing out the alternate board in a newly
27 reorganized district with open ended procedures. The problem
28 with the current section is that the processes for
29 constituting and phasing out the board are very complex and
30 there have been occasions when the local circumstances were
31 not included in the listing of possibilities making it
32 impossible to meet the requirements of the Code. This
33 suggested change would make the process simpler and more
34 flexible. Section 12 empowers local citizens in the
35 reorganization process. It requires that a school district

1 dissolution commission be established by the board of a school
2 district if a petition to do so is submitted to the board by
3 eligible electors in the district. This is currently
4 permissive on the part of the board. Section 14 defines the
5 term "affected pupil" as used in the section governing whole-
6 grade sharing. Section 15 allows the public recreation and
7 playground tax to continue in a reorganized district if each
8 district party to the reorganization had the levy prior to
9 reorganization.
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HOUSE FILE 496

AN ACT

RELATING TO SUPPLEMENTARY WEIGHTING AND AREA EDUCATION AGENCY AND SCHOOL DISTRICT PROCEDURES REGARDING SCHOOL REORGANIZATION.

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

Section 1. Section 257.12, unnumbered paragraph 1, Code 1993, is amended to read as follows:

In determining weighted enrollment under section 257.6, if the board of directors of a school district has approved a contract for sharing under section 442.39, subsection 2 or 4, Code 1991, or section 257.11 and the school district has initiated an action prior to November 30, 1990, to bring about a reorganization, the reorganized school district shall include, for a period of ~~five~~ six years following the effective date of the reorganization, additional pupils added by the application of the supplementary weighting plan, equal to the pupils added by the application of the supplementary weighting plan in the year preceding the reorganization. For the purposes of this paragraph, the weighted enrollment for the period of six years following the effective date of reorganization shall include the supplementary weighting in the base year used for determining the combined district cost for the first year of the reorganization. However, the weighting shall be reduced by the supplementary weighting added for a pupil whose residency is not within the reorganized district. For purposes of this ~~section~~ paragraph, a reorganized district is one in which the reorganization was approved in an election pursuant to sections 275.18 and 275.20 and takes effect on or after July 1, 1991, and on or before July 1, 1993. Each district which initiated, by a vote of the board of directors or jointly by the affected boards, action

to bring about a reorganization or dissolution by November 30, 1990, shall certify the date and the nature of the action taken to the department of education by September 1, 1991.

Sec. 2. Section 257.12, unnumbered paragraph 2, Code 1993, is amended to read as follows:

A reorganized school district in which eligible pupils were added under section 442.39A, Code 1991, shall continue to have pupils added, subject to the changes in weighting made under section 257.11, until the expiration of the ~~five-year~~ period provided in ~~section 442.39A, Code 1991~~ this paragraph. For the purposes of this paragraph, the weighted enrollment continues for a period of six years following the effective date of reorganization and shall include the supplementary weighting in the base year used for determining the combined district cost for the first year of the reorganization.

Sec. 3. Section 275.1, Code 1993, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Initial board" means the board of a newly reorganized district that is selected pursuant to section 275.25 or 274.41 and functions until the organizational meeting following the fourth regular school election held after the effective date of the reorganization.

NEW SUBSECTION. 3A. "Regular board" means the board of a reorganized district that begins to function at the organizational meeting following the fourth regular school election held after the effective date of the school reorganization, and is comprised of members who were elected to the current terms or were appointed to replace members who were elected.

Sec. 4. Section 275.2, Code 1993, is amended to read as follows:

275.2 SCOPE OF SURVEYS.

The scope of 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,

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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 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 28E.9, 256.13, 280.15, or 282.7, or 282.10 as an alternative to school reorganization.

Sec. 5. Section 275.12, subsection 4, Code 1993, is amended to read as follows:

4. The area education agency board in reviewing the petition as provided in sections 275.15 and 275.16 shall review the proposed method of election of school directors and may change or amend 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 as may be required by law, justice, equity, and the interest of the people. In 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. The area education agency shall ascertain that director district boundary lines comply with the provisions of section 275.23A, subsection 1, and shall make adjustments as necessary.

Sec. 6. Section 275.15, unnumbered paragraph 2, Code 1993, is amended by striking the paragraph and inserting in lieu thereof the following:

The area education agency board, when entering the order fixing the boundaries, shall consider all available evidence

including, but not limited to, information presented by the petitioners, all objections requesting territory exclusion, reorganization studies and plans, geographical patterns evidenced by students using open enrollment to attend school in another district pursuant to section 282.18, potential travel distances required of students, and geographic configuration of the proposed district. The exclusion of territory shall represent a balance between the rights of the objectors and the welfare of the reorganized district.

Sec. 7. Section 275.22, Code 1993, is amended to read as follows:

275.22 CANVASS AND RETURN.

The precinct election officials shall count the ballots, and make return to and deposit the ballots with the county commissioner of elections, who shall enter the return of record in the commissioner's office. The election tally lists, including absentee ballots, shall be listed by individual school district. The county commissioner of elections shall certify the results of the election to the area education agency administrator. If the majority of the votes cast by the qualified electors is in favor of the proposition, as provided in section 275.20, a new school corporation shall be organized. If the majority of votes cast is opposed to the proposition, a new petition describing the identical or similar boundaries shall not be filed for at least six months from the date of the election. If territory is excluded from the reorganized district, action pursuant to section 274.37 shall be taken prior to the effective date of reorganization. The ~~area education agency administrator~~ secretary of the new school corporation shall file a written description of the boundaries as provided in section 274.4.

Sec. 8. Section 275.28, Code 1993, is amended to read as follows:

275.28 PLAN OF DIVISION OF ASSETS AND LIABILITIES.

~~A plan of reorganization in~~ In addition to setting up the territory to comprise the reorganized districts, a reorganization petition may provide for a division of assets and liabilities of the old districts between reorganized districts. If no provision is made in the ~~plan~~ petition for division of assets and liabilities, ~~such~~ or if territory is excluded from the reorganized district by the petition or by the area education agency board of directors, the division shall be made under the provisions of sections 275.29 to 275.31~~, inclusive, hereof~~.

Sec. 9. Section 275.29, Code 1993, 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 school district shall meet with the boards of ~~all~~ the ~~old~~ school districts~~, or parts of districts,~~ affected by the organization of the new school corporation, including the boards of districts receiving territory of the school districts affected, 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~~ initial board of directors of the newly formed school district shall meet ~~together~~ with the boards of all school districts affected prior to ~~March~~ April 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 76.2 and shall assure the satisfaction of outstanding obligations of each affected school corporation. If the petition includes plans

for the distribution of the bonded indebtedness, the exclusion of territory from the reorganized district does not require action pursuant to this section.

Sec. 10. Section 275.30, Code 1993, is amended to read as follows:

275.30 ARBITRATION.

If the boards cannot agree on such division and distribution, the matters on which they differ shall be decided by disinterested arbitrators, one selected by ~~each~~ the initial board ~~having an interest therein, and if~~ of directors of the newly formed district, one by each of the boards of directors of the school districts affected, and one selected jointly by the boards of directors of contiguous districts receiving territory of the school district affected. If the number ~~thus~~ of arbitrators selected is even, ~~then one~~ a disinterested arbitrator shall be added by the area education agency administrator. The decision of the arbitrators shall be made in writing and filed with the secretary of the new corporation, and ~~any~~ a party to the proceedings may appeal ~~therefrom~~ the decision to the district court by serving notice ~~thereof~~ on ~~such~~ the secretary of the new corporation within twenty days after the decision is filed. ~~Such~~ The appeal shall be tried in equity and a decree entered determining the entire matter, including the levy, collection, and distribution of any necessary taxes.

Sec. 11. Section 275.33, subsection 2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The collective bargaining agreement of the district with the largest basic enrollment for the year prior to the reorganization, as defined in section 257.6, in the new district shall 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 contracts for the following years 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 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 contracts for the following years 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~~ the dates specified in section 20.17 prior to the school year in which the reorganization becomes effective or within one hundred eighty 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.

Sec. 12. Section 275.41, subsection 1, Code 1993, is amended to read as follows:

1. As an alternative to the method specified in section 275.25 for electing directors in a newly formed community school district, the procedure specified in this section may be used and if used, the petition filed under section 275.12 shall state the number of directors on the initial board. If two districts are named in the petition, either five or seven directors shall serve on the initial board. If three or more districts are named in the petition, either seven or nine

directors shall serve on the initial board. The petition shall specify the number of directors to be retained from each district, and those numbers shall be proportionate to the populations of the districts. If the exclusion of territory from a reorganization affects the proportionate balance of directors among the affected districts specified in the petition, or if the proposal specified in the petition does not comply with the requirement for proportionate representation, the area education board shall modify the proposal. However, all districts affected shall retain at least one member.

Sec. 13. Section 275.41, subsections 2 through 7, Code 1993, are amended by striking the subsections and inserting in lieu thereof the following:

2. Prior to the organization meeting of the newly formed district, the boards of the former districts shall designate directors to be retained as members to serve on the initial board, and if the total number of directors determined under subsection 1 is an even number, that number of directors shall function and may within five days of the organizational meeting appoint one additional director by unanimous vote with all directors voting. Otherwise, the board shall function until a special election can be held to elect an additional director. The procedure for calling the special election shall be the procedure specified in section 275.25. 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.

3. Prior to the effective date of the reorganization, the initial board shall approve a plan that commences at the second regular school election held after the effective date

of the merger and is completed at the fourth regular school election held after the effective date of the merger, to replace the initial board with the regular board. If the petition specifies a number of directors on the regular board to be different from the number of directors on the initial board, the plan shall provide that the number specified in the petition for the regular board is in place by the time the regular board is formed. The plan shall provide that as nearly as possible one-third of the members of the board shall be elected each year, and if a special election was held to elect a member to create an odd number of members on the board, the term of that member shall end at the organizational meeting following the fourth regular school election held after the effective date.

Sec. 14. Section 275.51, unnumbered paragraph 1, Code 1993, is amended to read as follows:

As an alternative to school district reorganization prescribed in this chapter, the board of directors of a school district may establish a school district dissolution commission to prepare a proposal of dissolution of the school district and attachment of all of the school district to one or more contiguous school districts and to include in the proposal a division of the assets and liabilities of the dissolving school district. A school district dissolution commission ~~may also~~ shall be established by the board of directors of a school district if a dissolution proposal has been prepared by eligible electors who reside within the district. The proposal must contain the names of the proposed members of the commission and be accompanied by a petition which has been signed by at least twenty percent of the eligible electors.

Sec. 15. NEW SECTION. 279.39 SCHOOL BUILDINGS.

The board of any school corporation shall establish attendance centers and provide suitable buildings for each school in the district and may at the regular or a special

meeting call a special election to submit to the qualified electors of the district the question of voting a tax or authorizing the board to issue bonds, or both.

Sec. 16. Section 282.11, unnumbered paragraph 2, Code 1993, is amended to read as follows:

Not less than thirty days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is a party to a proposed sharing agreement shall hold a public hearing at which the proposed agreement is described, and at which the parent or guardian of an affected pupil and certificated employees of the school district shall have an opportunity to comment on the proposed agreement. Within the thirty-day period prior to the signing of the agreement, the parent or guardian of an affected pupil may request the board of directors to send the pupil to another contiguous school district. For the purposes of this section, "affected pupils" are those who under the whole-grade sharing agreement are attending or scheduled to attend the school district specified in the agreement, other than the district of residence, during the term of the agreement. The request shall be based upon one of the following:

Sec. 17. Section 300.2, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The proposition to levy the public recreation and playground tax is not affected by a change in the boundaries of a school district, except as otherwise provided in this section. If each district involved in school reorganization under chapter 275 has adopted the public recreation and playground tax, and if the voters have not voted upon the proposition to levy the public recreation and playground tax in the reorganized district, the existing public recreation and playground tax shall be in effect for the reorganized district for the least amount that has been

approved in any of the districts and until discontinued pursuant to section 300.3.

Sec. 18. Section 275.32, Code 1993, is repealed.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 496, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 5/25/93, 1993

TERRY E. BRANSTAD
Governor