

MAR 8 1995

EDUCATION

HOUSE FILE 276
BY DISNEY

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

A BILL FOR

1 An Act relating to the election of directors of a local school
2 district, area education agency, and merged area, and
3 providing an effective date.

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

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HF 276

1 Section 1. Section 39.24, Code 1995, is amended to read as
2 follows:

3 39.24 SCHOOL OFFICERS.

4 Members of boards of directors of community and independent
5 school districts, and boards of directors of merged areas
6 shall be elected at the school election. Their terms of
7 office shall be ~~three~~ four years, except as otherwise provided
8 by section 260C.11, 260C.13, or 275.23A.

9 Sec. 2. Section 260C.11, unnumbered paragraph 1, Code
10 1995, is amended to read as follows:

11 The governing board of a merged area is a board of
12 directors composed of one member elected from each director
13 district in the area by the electors of the respective
14 district. Members of the board shall be residents of the
15 district from which elected. Successors shall be chosen at
16 the ~~annual~~ regular school elections for members whose terms
17 expire. The term of a member of the board of directors is
18 ~~three~~ four years and commences at the organization meeting.
19 Vacancies on the board shall be filled at the next regular
20 meeting of the board by appointment by the remaining members
21 of the board. A member so chosen shall be a resident of the
22 district in which the vacancy occurred and shall serve until a
23 member is elected pursuant to section 69.12 to fill the
24 vacancy for the balance of the unexpired term. A vacancy is
25 defined in section 277.29. A member shall not serve on the
26 board of directors who is a member of a board of directors of
27 a local school district or a member of an area education
28 agency board.

29 Sec. 3. Section 260C.12, unnumbered paragraph 1, Code
30 1995, is amended to read as follows:

31 The board of directors of the merged area shall organize at
32 the first regular meeting in ~~October-of-each-year~~ December
33 following the election. Organization of the board shall be
34 effected by the election of a president and other officers
35 from the board membership as board members determine. The

1 board of directors shall appoint a secretary and a treasurer
2 who shall each give bond as prescribed in section 291.2 and
3 who shall each receive the salary determined by the board.
4 The secretary and treasurer shall perform duties under chapter
5 291 and additional duties the board of directors deems
6 necessary. However, the board may appoint one person to serve
7 as the secretary and treasurer. If one person serves as the
8 secretary and treasurer, only one bond is necessary for that
9 person. The frequency of meetings other than organizational
10 meetings shall be as determined by the board of directors but
11 the president or a majority of the members may call a special
12 meeting at any time.

13 Sec. 4. Section 260C.13, subsection 1, Code 1995, is
14 amended to read as follows:

15 1. The board of a merged area may change the number of
16 directors on the board and shall make corresponding changes in
17 the boundaries of director districts. Changes shall be
18 completed not later than ~~June 1 for the regular school~~
19 ~~election to be held the next following~~ September 1 of the year
20 of the regular school election. As soon as possible after
21 adoption of the boundary changes, notice of changes in the
22 director district boundaries shall be submitted by the merged
23 area to the county commissioner of elections in all counties
24 included in whole or in part in the merged area.

25 Sec. 5. Section 260C.15, subsections 1 and 4, Code 1995,
26 are amended to read as follows:

27 1. Regular elections held ~~annually~~ by the merged area for
28 the election of members of the board of directors as required
29 by section 260C.11, for the renewal of the twenty and one-
30 fourth cents per thousand dollars of assessed valuation levy
31 authorized in section 260C.22, or for any other matter
32 authorized by law and designated for election by the board of
33 directors of the merged area, shall be held on the date of the
34 school election as fixed by section 277.1. The election
35 notice shall be made a part of the local school election

1 notice published as provided in section 49.53 in each local
2 school district where voting is to occur in the merged area
3 election and the election shall be conducted by the county
4 commissioner of elections pursuant to chapters 39 to 53 and
5 section 277.20.

6 4. The votes cast in the election shall be canvassed and
7 abstracts of the votes cast shall be certified as required by
8 section 277.20. In each county whose commissioner of
9 elections is responsible under section 47.2 for conducting
10 elections held for a merged area, the county board of
11 supervisors shall convene at ten o'clock a.m. on the last
12 Monday in September after the regular school election, canvass
13 the abstracts of votes cast and declare the results of the
14 voting. The commissioner shall at once issue certificates of
15 election to each person declared elected, and shall certify to
16 the merged area board in substantially the manner prescribed
17 by section 50.27 the result of the voting on any public
18 question submitted to the voters of the merged area. Members
19 elected to the board of directors of a merged area shall
20 qualify by taking the oath of office prescribed in section
21 277.28.

22 Sec. 6. Section 260C.22, subsection 1, paragraph a, Code
23 1995, is amended to read as follows:

24 a. In addition to the tax authorized under section
25 260C.17, the voters in any a merged area may at the annual
26 regular school election vote a tax not exceeding twenty and
27 one-fourth cents per thousand dollars of assessed value in any
28 one year for a period not to exceed ten years for the purchase
29 of grounds, construction of buildings, payment of debts
30 contracted for the construction of buildings, purchase of
31 buildings and equipment for buildings, and the acquisition of
32 libraries, for the purpose of paying costs of utilities, and
33 for the purpose of maintaining, remodeling, improving, or
34 expanding the community college of the merged area. If the
35 tax levy is approved under this section, the costs of

1 utilities shall be paid from the proceeds of the levy. The
2 tax shall be collected by the county treasurers and remitted
3 to the treasurer of the merged area as provided in section
4 331.552, subsection 29. The proceeds of the tax shall be
5 deposited in a separate and distinct fund to be known as the
6 voted tax fund, to be paid out upon warrants drawn by the
7 president and secretary of the board of directors of the
8 merged area district for the payment of costs incurred in
9 providing the school facilities for which the tax was voted.

10 Sec. 7. Section 273.8, subsections 1, 5, and 6, Code 1995,
11 are amended to read as follows:

12 1. BOARD OF DIRECTORS. The board of directors of an area
13 education agency shall consist of not less than five nor more
14 than nine members, each a resident of and elected in the
15 manner provided in this section from a director district that
16 is approximately equal in population to the other director
17 districts in the area education agency. Each director shall
18 serve a ~~three-year~~ four-year term which commences at the
19 organization meeting.

20 5. CHANGE IN DIRECTORS. The board of an area education
21 agency may change the number of directors on the board and
22 shall make corresponding changes in the boundaries of director
23 districts. Changes shall be completed not later than July 1
24 of a fiscal year for the director district conventions to be
25 held the following ~~September~~ November.

26 6. BOUNDARY LINE CHANGES. To the extent possible the
27 board shall provide that changes in the boundary lines of
28 director districts of area education agencies shall not
29 lengthen or diminish the term of office of a director of an
30 area education agency board. Initial terms of office shall be
31 set by the board so that as nearly as possible the terms of
32 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

33 Sec. 8. Section 273.8, subsection 2, unnumbered paragraph
34 2, Code 1995, is amended to read as follows:

35 The director district conventions shall be called and the

1 locations of the conventions shall be determined by the area
2 education agency administrator. ~~Annually~~ Biennially the
3 director district conventions shall be held within two weeks
4 following the regular school election. Notice of the time,
5 date and place of a director district convention shall be
6 published by the area education agency administrator at least
7 forty-five days prior to the day of the district conventions
8 in at least one newspaper of general circulation in the
9 director district. The cost of publication shall be paid by
10 the area education agency.

11 Sec. 9. Section 273.8, subsection 3, unnumbered paragraph
12 1, Code 1995, is amended to read as follows:

13 The board of directors of each area education agency shall
14 meet and organize at the first regular meeting in ~~October~~-of
15 ~~each-year~~ December following the election at a suitable place
16 designated by the president. Directors whose terms commence
17 at the organization meeting shall qualify by taking the oath
18 of office required by section 277.28 at or before the
19 organization meeting.

20 Sec. 10. Section 274.7, Code 1995, is amended to read as
21 follows:

22 274.7 DIRECTORS.

23 The affairs of each school corporation shall be conducted
24 by a board of directors, the members of which in all community
25 or independent school districts shall be chosen for a term of
26 ~~three~~ four years.

27 Sec. 11. Section 275.12, subsection 2, paragraphs b
28 through e, Code 1995, are amended to read as follows:

29 b. Division of the entire school district into designated
30 geographical single director or multi-director subdistricts on
31 the basis of population for each director, to be known as
32 director districts, each of which ~~director-districts~~ shall be
33 represented on the school board by one or more directors who
34 shall be residents of the director district but who shall be
35 elected by the vote of the electors of the entire school

1 district. The boundaries of the director districts and the
2 area and population included within each district shall be
3 such as justice, equity, and the interests of the people may
4 require. Changes in the boundaries of director districts
5 shall not be made during a period commencing sixty days prior
6 to the date of the ~~annual~~ regular school election. Insofar As
7 far as ~~may-be~~ practicable, the boundaries of the districts
8 shall follow established political or natural geographical
9 divisions.

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

20 d. Division of the entire school district into designated
21 geographical single director or multi-director subdistricts on
22 the basis of population for each director, to be known as
23 director districts, each of which ~~director-districts~~ shall be
24 represented on the school board by one or more directors who
25 shall be residents of the director district and who shall be
26 elected by the voters of the director district. Place of
27 voting in the director districts shall be designated by the
28 commissioner of elections. Changes in the boundaries of
29 director districts shall not be made during a period
30 commencing sixty days prior to the date of the ~~annual~~ regular
31 school election.

32 e. In districts having seven directors, election of three
33 directors at large by the electors of the entire district, one
34 no more than two at each ~~annual~~ regular school election, and
35 election of the remaining directors as residents of and by the

1 electors of individual geographic subdistricts established on
2 the basis of population and identified as director districts,
3 no more than two at a regular school election. Boundaries of
4 the subdistricts shall follow precinct boundaries, insofar as
5 far as practicable, and shall not be changed less than sixty
6 days prior to the annual regular school election.

7 Sec. 12. Section 275.25, subsection 3, Code 1995, is
8 amended to read as follows:

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

1 Sec. 13. Section 275.36, Code 1995, is amended to read as
2 follows:

3 275.36 SUBMISSION OF CHANGE TO ELECTORS.

4 If a petition for a change in the number of directors or in
5 the method of election of school directors, describing the
6 boundaries of the proposed director districts, if any, signed
7 by eligible electors of the school district equal in number to
8 at least thirty percent of those who voted in the last
9 previous ~~annual~~ regular school election in the school
10 district, but not less than twenty-five persons, and
11 accompanied by affidavit as required by section 275.13 ~~be~~ is
12 filed with the school board of a school district, not earlier
13 than six months and not later than two months before a regular
14 or special school election, the school board shall submit ~~such~~
15 the proposition to the voters at ~~such~~ the election. If a
16 proposition for a change in the number of directors or in the
17 method of election of school directors submitted to the voters
18 under this section is rejected, it shall not be resubmitted to
19 the voters of the district in substantially the same form
20 within the next three years; if it is approved, no other
21 proposal ~~may~~ shall be submitted to the voters of the district
22 under this section within the next six years.

23 Sec. 14. Section 275.37, Code 1995, is amended to read as
24 follows:

25 275.37 INCREASE IN NUMBER OF DIRECTORS.

26 At the next succeeding ~~annual~~ regular school election in a
27 district where the number of directors has been increased from
28 five to seven, and directors are elected at large, there shall
29 be elected a director to succeed each incumbent director whose
30 term is expiring in that year, and two additional directors.
31 Upon organizing as required by section 279.1, either one or
32 two of the newly elected ~~director~~ directors who received the
33 fewest votes in the election shall be assigned a term of
34 ~~either-one-year-or~~ two years if as necessary in order that as
35 nearly as possible ~~one-third~~ one-half of the members of the

1 board shall be elected each-year biennially.

2 Sec. 15. Section 275.38, Code 1995, is amended to read as
3 follows:

4 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

5 If change in the method of election of school directors is
6 approved at a regular or special school election, the
7 directors who were serving unexpired terms or were elected
8 concurrently with approval of the change of method shall serve
9 out the terms for which they were elected. If the plan
10 adopted is that described in section 275.12, subsection 2,
11 paragraph "b," "c," "d," or "e," the board shall at the
12 earliest practicable time designate the districts from which
13 residents are to be elected as school directors at each of the
14 next ~~three~~ two succeeding ~~annual~~ regular school elections,
15 arranging so far as possible for elections of directors as
16 residents of the respective districts to coincide with the
17 expiration of terms of incumbent members residing in those
18 districts. If an increase in the size of the board from five
19 to seven members is approved concurrently with the change in
20 method of election of directors, the board shall make the
21 necessary adjustment in the manner prescribed in section
22 275.37, as well as providing for implementation of the
23 districting plan under this section.

24 Sec. 16. Section 275.41, subsections 4, 6, and 7, Code
25 1995, are amended to read as follows:

26 4. If the total number of directors determined under
27 subsection 2 or 3 is an odd number, the board of the district
28 with the largest population shall designate the term of office
29 of one of the members who is retained to commence at the
30 organizational meeting of the board of the newly formed
31 district and to end at the organizational meeting following
32 the ~~fourth~~ third regular school election held thereafter in
33 the manner specified in the reorganization petition.

34 If the total number of directors determined under
35 subsection 2 or 3 is an even number, that number of directors

1 shall function until a special election can be held, at which
2 time an additional director shall be elected to a term from
3 the newly formed district ending at the organizational meeting
4 following the ~~fourth~~ third regular school election held
5 thereafter. The procedure for calling the special election
6 shall be the procedure specified in section 275.25.

7 6. At the ~~second~~ first regular school election held after
8 the effective date of the merger, the two vacancies which will
9 occur on the board shall be filled in a manner specified in
10 the reorganization petition.

11 7. At the ~~third~~ second regular school election held after
12 the effective date of merger, if a five-member board is
13 specified in the reorganization petition, two directors shall
14 be elected in the manner specified in the reorganization
15 petition and if a seven-member board is specified in the
16 reorganization petition, four directors shall be elected, two
17 for ~~one-year~~ two-year terms and two for ~~three-year~~ four-year
18 terms, in the manner specified in the reorganization petition.

19 Sec. 17. Section 277.1, Code 1995, is amended to read as
20 follows:

21 277.1 REGULAR ELECTION.

22 The regular election shall be held ~~annually~~ biennially on
23 the ~~second~~ first Tuesday after the first Monday in September
24 November of each odd-numbered year in each school district for
25 the election of officers of the district and merged area and
26 for the purpose of submitting to the voters any matter
27 authorized by law.

28 Sec. 18. Section 277.2, Code 1995, is amended to read as
29 follows:

30 277.2 SPECIAL ELECTION.

31 The board of directors in a school corporation may call a
32 special election at which the voters shall have the powers
33 exercised at the regular election with reference to the sale
34 of school property and the application to be made of the
35 proceeds, the authorization to change the method of election

1 of school directors to any method authorized by section
2 275.12, the authorization of seven members on the board of
3 directors, the authorization to establish or change the
4 boundaries of director districts, and the authorization of a
5 voter-approved physical plant and equipment levy or
6 indebtedness, as provided by law.

7 Sec. 19. Section 277.20, unnumbered paragraph 1, Code
8 1995, is amended to read as follows:

9 On the next ~~Friday~~ Monday after the regular school
10 election, the county board of supervisors shall canvass the
11 returns made to the county commissioner of elections from the
12 several precinct polling places and the absentee ballot
13 counting board, ascertain the result of the voting with regard
14 to every matter voted upon and cause a record to be made
15 thereof as required by section 50.24. Special elections held
16 in school districts shall be canvassed at the time and in the
17 manner required by that section. The board shall declare the
18 results of the voting for members of boards of directors of
19 school corporations nominated pursuant to section 277.4, and
20 the commissioner shall at once issue a certificate of election
21 to each person declared elected. The board shall also declare
22 the results of the voting on any public question submitted to
23 the voters of a single school district, and the commissioner
24 shall certify the result as required by section 50.27.

25 Sec. 20. Section 277.23, unnumbered paragraph 2, Code
26 1995, is amended to read as follows:

27 A change from five to seven directors shall be effected in
28 a district at the first regular election after authorization
29 by the voters or when a district becomes wholly or in part
30 within a city of fifteen thousand population or more in the
31 following manner: If the term terms of ~~one-director~~ two
32 directors of the five-member board ~~expires~~ expire at the time
33 of ~~said~~ the regular election, ~~three~~ four directors shall be
34 elected to serve until the ~~third~~ second following regular
35 election ~~thereafter~~; if the terms of ~~two~~ three directors

1 expire at the time of ~~said~~ the regular election, three
2 directors shall be elected to serve until the ~~third~~ second
3 regular election thereafter and ~~one-director~~ two directors
4 shall be elected to serve ~~a-term-the-expiration-of-which~~
5 ~~coincides-with-the-expiration-of-the-term-of-the-director~~
6 ~~heretofore-singly-elected~~ until the next regular election.

7 Sec. 21. Section 277.25, Code 1995, is amended to read as
8 follows:

9 277.25 DIRECTORS IN NEW DISTRICTS.

10 At the first election in newly organized districts the
11 directors shall be elected as follows:

12 1. In districts having three directors, ~~one-director~~ two
13 directors shall be elected for ~~one-year,~~ one-for two years,
14 and one for ~~three~~ four years.

15 2. In districts having five directors, ~~two~~ three shall be
16 elected for ~~one-year,~~ two-for two years, and one ~~two~~ for three
17 four years.

18 3. In districts having seven directors, ~~two~~ four shall be
19 elected for ~~one-year,~~ two-for two years, and three for ~~three~~
20 four years.

21 Sec. 22. In order to accomplish the transition from
22 election of directors of community and independent school
23 districts, merged areas, and area education agencies, annually
24 for terms of three years each to the election of such
25 directors biennially for terms of four years each, the
26 following adjustments in terms and times of election shall be
27 made, notwithstanding other provisions of law:

28 1. The term of office for each director of a community or
29 independent school district, merged area, and area education
30 agency board whose term expires in the years 1995 and 1996
31 shall expire at noon on January 2, 1996, and successors to
32 these positions shall be elected at the regular election in
33 1995, or in the case of the area education agency, at the
34 director district convention in 1995.

35 2. In community, independent, and consolidated school

1 districts, merged areas, and area education agencies having
2 five-member boards of directors, the persons elected as
3 directors in 1994 who received the greatest and the next
4 greatest number of votes in that election shall serve terms of
5 three years each, and the other persons so elected shall serve
6 terms of one year each.

7 3. In community, independent, and consolidated school
8 districts, merged areas, and area education agencies having
9 seven-member boards of directors, the persons elected as
10 directors in 1994 who received the greatest, the next
11 greatest, and the third greatest number of votes shall serve
12 terms of three years each, and the other persons so elected
13 shall serve terms of one year each.

14 4. In merged areas and area education agencies having more
15 than seven members, the persons elected as directors in 1994
16 who received the greatest, the next greatest, the third
17 greatest, and the fourth greatest number of votes shall serve
18 terms of three years each, and the other persons so elected
19 shall serve terms of one year each.

20 Sec. 23. EFFECTIVE DATE. This Act takes effect on July 1,
21 1995, for purposes of holding the regular school election in
22 November 1995.

23 EXPLANATION

24 The bill provides for the consolidation of election of the
25 directors of local school districts, area education agencies,
26 and merged areas on the municipal general election day in
27 November in the odd-numbered year. In order to accomplish
28 these purposes, the bill changes the terms of these directors
29 from three to four years and provides for a transition period.
30 The bill takes effect on July 1, 1995.

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