

amend
2/17/98 Do Pass w/H- 8056
2/17/98 Amend to Education

MAR 4 1997
STATE GOVERNMENT

HOUSE FILE 424
BY MARTIN, VAN FOSSEN, MILLAGE,
HOLMES, and BRADLEY

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

A BILL FOR

1 An Act relating to the election of the board of directors for an
2 area education agency and providing effective date and
3 applicability provisions.

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

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HOUSE FILE 424

H-8056

- 1 Amend House File 424 as follows:
- 2 1. Page 4, line 4, by striking the figure "1997"
- 3 and inserting the following: "1998".
- 4 2. Page 4, line 5, by striking the figure "1998"
- 5 and inserting the following: "1999".
- 6 3. Page 4, line 10, by striking the figure "1997"
- 7 and inserting the following: "1998".

By COMMITTEE ON STATE GOVERNMENT
MARTIN of Scott, Chairperson

H-8056 FILED FEBRUARY 17, 1998

HF 424

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1 Section 1. Section 273.8, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. BOARD OF DIRECTORS. The board of directors of an area
4 education agency shall consist of not less than five nor more
5 than nine members, each a resident of and elected in the
6 manner provided in this section from a director district that
7 is approximately equal in population to the other director
8 districts in the area education agency. Each director member
9 shall serve a three-year term which commences at the
10 organization meeting. A member may serve on the board of
11 directors who is a member of a board of directors of a school
12 district if the member is a qualified elector and resident of
13 the area education agency director district.

14 Sec. 2. Section 273.8, subsection 2, Code 1997, is amended
15 by striking the subsection and inserting in lieu thereof the
16 following:

17 2. ELECTION OF DIRECTORS. Regular elections held annually
18 by the area education agency for the election of members of
19 the board of directors shall be held on the date of the school
20 election as fixed by section 277.1. The election notice shall
21 be made a part of the local school election notice published
22 as provided in section 49.53 in each local school district
23 where voting is to occur in the area education agency election
24 and the election shall be conducted by the county commissioner
25 of elections pursuant to chapters 39 through 53 and section
26 277.20.

27 A candidate for member of the board of directors of an area
28 education agency shall be nominated by a petition signed by
29 not less than fifty eligible electors of the director district
30 from which the member is to be elected. The petition shall
31 state the number of the director district from which the
32 candidate seeks election, and the candidate's name and status
33 as an eligible elector of the director district. Signers of
34 the petition, in addition to signing their names, shall show
35 their residence, including street and number, if any, the

1 school district in which they reside, and the date they signed
2 the petition. A person may sign nomination petitions for more
3 than one candidate for the same office, and the signature is
4 not invalid solely because the person signed nomination
5 petitions for one or more other candidates for the office.
6 The petition shall include the affidavit of the candidate
7 being nominated, stating the candidate's name and residence,
8 and that the individual is a candidate, is eligible for the
9 office sought, and if elected will qualify for the office.

10 Nomination papers on behalf of candidates for member of the
11 board of directors of an area education agency shall be filed
12 with the secretary of the area education agency board not
13 earlier than sixty-five days nor later than five p.m. on the
14 fortieth day prior to the election at which members of the
15 board are to be elected. The secretary shall deliver all
16 nomination petitions filed to the county commissioner of
17 elections who is responsible under section 47.2 for conducting
18 elections held for the area education agency not later than
19 five p.m. on the day following the last day on which
20 nomination petitions can be filed. That commissioner shall
21 certify the names of candidates to all county commissioners of
22 elections in the area education agency by the thirty-fifth day
23 prior to the election.

24 The votes cast in the election shall be canvassed and
25 abstracts of the votes cast shall be certified as required by
26 section 277.20. In each county whose commissioner of
27 elections is responsible under section 47.2 for conducting
28 elections held for an area education agency, the county board
29 of supervisors shall convene on the last Monday in September
30 or at the last regular board meeting in September, canvass the
31 abstracts of votes cast and declare the results of the voting.
32 The commissioner shall at once issue certificates of election
33 to each person declared elected.

34 Successors shall be chosen at the annual school elections
35 for members of the board of directors whose terms expire.

1 Vacancies on the board shall be filled at the next regular
2 meeting of the board by appointment by the remaining members
3 of the board. A member so chosen shall be a resident of the
4 district in which the vacancy occurred and shall serve until a
5 member is elected pursuant to section 69.12 to fill the
6 vacancy for the balance of the unexpired term. A vacancy is
7 defined in section 277.29.

8 Sec. 3. Section 273.8, subsection 5, Code 1997, is amended
9 to read as follows:

10 5. CHANGE IN DIRECTORS. The board of an area education
11 agency may change the number of directors on the board and
12 shall make corresponding changes in the boundaries of director
13 districts if sixty percent of the number of local school
14 boards located in an area education agency, or if local school
15 boards representing sixty percent of the enrollment in the
16 school districts located in the agency, request in writing to
17 the area education agency board that the number of directors
18 on the board be changed. Changes-shall-be-completed-not-later
19 than-July-1-of-a-fiscal-year-for-the-director-district
20 conventions-to-be-held-the-following-September.

21 Sec. 4. Section 277.1, Code 1997, is amended to read as
22 follows:

23 277.1 REGULAR ELECTION.

24 The regular election shall be held annually on the second
25 Tuesday in September in each school district for the election
26 of officers of the district, the area education agency, and
27 merged area and for the purpose of submitting to the voters
28 any matter authorized by law.

29 Sec. 5. Section 277.20, unnumbered paragraph 2, Code 1997,
30 is amended to read as follows:

31 The abstracts of the votes cast for members of the board of
32 directors of any merged area, or any area education agency and
33 of the votes cast on any public question submitted to the
34 voters of any merged area, shall be promptly certified by the
35 commissioner to the county commissioner of elections who is

1 responsible under section 47.2 for conducting the elections
2 held for that merged area or area education agency.

3 Sec. 6. EFFECTIVE DATE AND APPLICABILITY PROVISIONS. This
4 Act takes effect July 1, 1997, and is applicable to the school
5 election held on the second Tuesday of September 1998.
6 Members of area education agency boards of directors shall
7 continue to serve until the expiration of the terms for which
8 they were elected at the director district conventions.
9 Successors shall be elected as provided in this Act.
10 Vacancies occurring on the board on or after July 1, 1997,
11 shall be filled as provided in this Act.

12 EXPLANATION

13 This bill replaces the current method for electing the
14 members of the board of directors for an area education
15 agency, with the method used to elect members of the board of
16 directors of a merged area.

17 Currently, members of the board of directors of an area
18 education agency are elected at director district conventions
19 by members of the boards of directors of local school
20 districts located within the area education agency director
21 district.

22 Under the bill, members of the board of directors of an
23 area education agency would be elected at the regular
24 elections held annually by the area education agency on the
25 date of the school election.

26 A candidate for member of the board of directors of an area
27 education agency shall be nominated by a petition signed by
28 not less than 50 eligible electors of the director district
29 from which the member is to be elected. The secretary shall
30 deliver all nomination petitions filed to the county
31 commissioner of elections who is responsible for conducting
32 elections held for the area education agency. In each county
33 whose commissioner of elections is responsible for conducting
34 elections held for an area education agency, the county board
35 of supervisors shall convene on the last Monday in September

1 or at the last regular board meeting in September, canvass the
 2 abstracts of votes cast, and declare the results of the
 3 voting. The commissioner shall at once issue certificates of
 4 election to each person declared elected.

5 Successors for members of the board of directors whose
 6 terms expire shall be chosen at the annual school elections.
 7 Vacancies on the board shall be filled at the next regular
 8 meeting of the board by appointment by the remaining members
 9 of the board. A member so chosen shall be a resident of the
 10 district in which the vacancy occurred and shall serve until a
 11 member is elected to fill the vacancy for the balance of the
 12 unexpired term. A member who is a member of a board of
 13 directors of a local school district may serve on the board of
 14 directors of the area education agency.

15 The bill contains effective date and applicability
 16 provisions. It takes effect July 1, 1997, for the school
 17 election in September 1998, and members of area education
 18 agency boards will continue in office until the expiration of
 19 their terms.

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