

JAN 9 2001

STATE GOVERNMENT

HOUSE FILE
BY MILLAGE

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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 local school
2 districts, area education agencies, and merged areas on the
3 date of the general election, and including an effective date
4 and transition provision.

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

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1 Section 1. Section 39.24, Code 2001, 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 2001, 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 2001, 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 regular school election. Organization of the
34 board shall be effected by the election of a president and
35 other officers from the board membership as board members

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

13 Sec. 4. Section 260C.13, subsection 1, Code 2001, 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 2001,
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 on the ~~last Monday in September~~
12 after the regular school election or at the last regular board
13 meeting in ~~September~~ November, canvass the abstracts of votes
14 cast and declare the results of the voting. The commissioner
15 shall at once issue certificates of election to each person
16 declared elected, and shall certify to the merged area board
17 in substantially the manner prescribed by section 50.27 the
18 result of the voting on any public question submitted to the
19 voters of the merged area. Members elected to the board of
20 directors of a merged area shall qualify by taking the oath of
21 office prescribed in section 277.28.

22 Sec. 6. Section 260C.22, subsection 1, paragraph a, Code
23 2001, 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 2001,
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
24 September 1 of a fiscal year for the director district
25 conventions to be 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 2001, 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 2001, 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 regular school election at a
16 suitable place designated by the president. Directors whose
17 terms commence at the organization meeting shall qualify by
18 taking the oath of office required by section 277.28 at or
19 before the organization meeting.

20 Sec. 10. Section 274.7, Code 2001, 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 275.1, subsections 2 and 5, Code 2001,
28 are amended to read as follows:

29 2. "Initial board" means the board of a newly reorganized
30 district that is selected pursuant to section 275.25 or 275.41
31 and functions until the organizational meeting following the
32 ~~fourth~~ third regular school election held after the effective
33 date of the reorganization.

34 5. "Regular board" means the board of a reorganized
35 district that begins to function at the organizational meeting

1 following the ~~fourth~~ third regular school election held after
2 the effective date of the school reorganization, and is
3 comprised of members who were elected to the current terms or
4 were appointed to replace members who were elected.

5 Sec. 12. Section 275.12, subsection 2, paragraphs b, c, d,
6 and e, Code 2001, are amended to read as follows:

7 b. Division of the entire school district into designated
8 geographical single director or multi-director subdistricts on
9 the basis of population for each director, to be known as
10 director districts, each of which ~~director-districts~~ shall be
11 represented on the school board by one or more directors who
12 shall be residents of the director district but who shall be
13 elected by the vote of the electors of the entire school
14 district. The boundaries of the director districts and the
15 area and population included within each district shall be
16 such as justice, equity, and the interests of the people may
17 require. 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. ~~insofar~~ As
20 far as ~~may-be~~ practicable, the boundaries of the districts
21 shall follow established political or natural geographical
22 divisions.

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

33 d. Division of the entire school district into designated
34 geographical single director or multi-director subdistricts on
35 the basis of population for each director, to be known as

1 director districts, each of which ~~director-districts~~ shall be
2 represented on the school board by one or more directors who
3 shall be residents of the director district and who shall be
4 elected by the voters of the director district. Place of
5 voting in the director districts shall be designated by the
6 commissioner of elections. Changes in the boundaries of
7 director districts shall not be made during a period
8 commencing sixty days prior to the date of the annual regular
9 school election.

10 e. In districts having seven directors, election of three
11 directors at large by the electors of the entire district, one
12 no more than two at each annual regular school election, and
13 election of the remaining directors as residents of and by the
14 electors of individual geographic subdistricts established on
15 the basis of population and identified as director districts,
16 no more than two at a regular school election. Boundaries of
17 the subdistricts shall follow precinct boundaries, insofar as
18 far as practicable, and shall not be changed less than sixty
19 days prior to the annual regular school election.

20 Sec. 13. Section 275.25, subsection 3, Code 2001, is
21 amended to read as follows:

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

1 ~~date-occurring-after-the-effective-date-of-the-reorganization.~~
2 However, in districts that include all or a part of a city of
3 fifteen thousand or more population and in districts in which
4 the proposition to establish a new corporation provides for
5 the election of seven directors, the ~~three-newly-elected~~
6 ~~directors-receiving-the-most-votes-shall-be-elected-to-serve~~
7 ~~until-the-directors'-successors-qualify-after-the-fourth~~
8 ~~regular-school-election-date-occurring-after-the-effective~~
9 ~~date-of-the-reorganization~~ timelines specified in this
10 subsection for the terms of office apply to the four newly
11 elected directors receiving the most votes and then to the
12 three newly elected directors receiving the next largest
13 number of votes.

14 Sec. 14. Section 275.36, Code 2001, is amended to read as
15 follows:

16 275.36 SUBMISSION OF CHANGE TO ELECTORS.

17 If a petition for a change in the number of directors or in
18 the method of election of school directors, describing the
19 boundaries of the proposed director districts, if any, signed
20 by eligible electors of the school district equal in number to
21 at least thirty percent of those who voted in the last
22 previous ~~annual~~ regular school election in the school
23 district, but not less than one hundred persons, and
24 accompanied by affidavit as required by section 275.13 ~~be~~ is
25 filed with the school board of a school district, not earlier
26 than six months and not later than sixty-seven days before a
27 regular or special school election, the school board shall
28 submit ~~such~~ the proposition to the voters at the election. If
29 a proposition for a change in the number of directors or in
30 the method of election of school directors submitted to the
31 voters under this section is rejected, it shall not be
32 resubmitted to the voters of the district in substantially the
33 same form within the next three years; if it is approved, no
34 other proposal may be submitted to the voters of the district
35 under this section within the next six years.

1 Sec. 15. Section 275.37, Code 2001, is amended to read as
2 follows:

3 275.37 INCREASE IN NUMBER OF DIRECTORS.

4 At the next succeeding ~~annual~~ regular school election in a
5 district where the number of directors has been increased from
6 five to seven, and directors are elected at large, there shall
7 be elected a director to succeed each incumbent director whose
8 term is expiring in that year, and two additional directors.
9 Upon organizing as required by section 279.1, either one or
10 two of the newly elected ~~director~~ directors who received the
11 fewest votes in the election shall be assigned a term of
12 ~~either one year or~~ two years if as necessary in order that as
13 nearly as possible ~~one-third~~ one-half of the members of the
14 board shall be elected ~~each year~~ biennially.

15 Sec. 16. Section 275.38, Code 2001, is amended to read as
16 follows:

17 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

18 If change in the method of election of school directors is
19 approved at a regular or special school election, the
20 directors who were serving unexpired terms or were elected
21 concurrently with approval of the change of method shall serve
22 out the terms for which they were elected. If the plan
23 adopted is that described in section 275.12, subsection 2,
24 paragraph "b," "c," "d," or "e," the board shall at the
25 earliest practicable time designate the districts from which
26 residents are to be elected as school directors at each of the
27 next ~~three~~ two succeeding ~~annual~~ regular school elections,
28 arranging so far as possible for elections of directors as
29 residents of the respective districts to coincide with the
30 expiration of terms of incumbent members residing in those
31 districts. If an increase in the size of the board from five
32 to seven members is approved concurrently with the change in
33 method of election of directors, the board shall make the
34 necessary adjustment in the manner prescribed in section
35 275.37, as well as providing for implementation of the

1 districting plan under this section.

2 Sec. 17. Section 275.41, subsection 3, Code 2001, is
3 amended to read as follows:

4 3. Prior to the effective date of the reorganization, the
5 initial board shall approve a plan that commences at the
6 second first regular school election held after the effective
7 date of the merger and is completed at the fourth third
8 regular school election held after the effective date of the
9 merger, to replace the initial board with the regular board.
10 If the petition specifies a number of directors on the regular
11 board to be different from the number of directors on the
12 initial board, the plan shall provide that the number
13 specified in the petition for the regular board is in place by
14 the time the regular board is formed. The plan shall provide
15 that as nearly as possible ~~one-third~~ one-half of the members
16 of the board shall be elected ~~each-year~~ biennially, and if a
17 special election was held to elect a member to create an odd
18 number of members on the board, the term of that member shall
19 end at the organizational meeting following the fourth third
20 regular school election held after the effective date.

21 Sec. 18. Section 277.1, Code 2001, is amended to read as
22 follows:

23 277.1 REGULAR ELECTION.

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

30 Sec. 19. Section 277.2, Code 2001, is amended to read as
31 follows:

32 277.2 SPECIAL ELECTION.

33 The board of directors in a school corporation may call a
34 special election at which the voters shall have the powers
35 exercised at the regular election with reference to the sale

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

9 Sec. 20. Section 277.20, unnumbered paragraph 1, Code
10 2001, is amended to read as follows:

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

27 Sec. 21. Section 277.23, unnumbered paragraph 2, Code
28 2001, is amended to read as follows:

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

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

10 Sec. 22. Section 277.25, Code 2001, is amended to read as
11 follows:

12 277.25 DIRECTORS IN NEW DISTRICTS.

13 At the first election in newly organized districts the
14 directors shall be elected as follows:

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

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

21 3. In districts having seven directors, ~~two~~ four shall be
22 elected for ~~one-year, two-for~~ two years, and three for three
23 four years.

24 Sec. 23. Section 278.2, unnumbered paragraph 2, Code 2001,
25 is amended to read as follows:

26 Petitions filed under this section shall be filed with the
27 secretary of the school board at least seventy-five days
28 before the date of the ~~annual~~ regular school election, if the
29 question is to be included on the ballot at that election.
30 The petition shall include the signatures of the petitioners,
31 a statement of their place of residence, and the date on which
32 they signed the petition.

33 Sec. 24. EFFECTIVE DATE AND TRANSITION. This Act, being
34 deemed of immediate importance, takes effect upon enactment,
35 for purposes of the transition from election of directors of

1 community and independent school districts, merged areas, and
2 area education agencies annually from terms of three years
3 each to the staggered election of such directors biennially
4 for terms of four years each. The first election at which
5 directors whose terms expire shall be elected to serve regular
6 four-year terms is the regular school election held in
7 November 2002 or the director district conventions held in
8 November 2002.

9 The board of directors of each affected school district and
10 each merged area and area education agency shall review the
11 expiration dates of the terms of office of its directors and
12 shall adopt by resolution a plan for shortening terms of the
13 members for the annual school election or director district
14 convention held in September 2001 so that the members whose
15 terms expire at the regular school election or director
16 district convention held in November 2002 will be elected to
17 four-year terms. The board shall submit a copy of the
18 resolution adopting its plan to the office of the state
19 commissioner of elections no later than August 1, 2001. In
20 developing the plan, the board of directors shall take into
21 consideration the terms for which the members were elected and
22 the number of votes the members received in relation to the
23 number of votes other candidates received at the applicable
24 election or director district convention.

25

EXPLANATION

26 This bill provides for the consolidation of election of the
27 directors of local school districts and merged areas on the
28 general election day in November in even-numbered years. Area
29 education agencies are required by law to hold their director
30 district conventions within two weeks of the regular school
31 election. Area education agency board directors are elected
32 at those conventions. In order to accomplish these purposes,
33 the bill changes the terms of all of these directors from
34 three to four years and provides for a transition period.

35 The bill takes effect upon enactment for purposes of

1 holding the area education agency director district
2 conventions in November 2002, and the first regular school
3 election in November 2002.

4 Additional conforming amendments to the Code may be
5 necessary to fully implement the bill's provisions.

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