

FEB 26 2003  
STATE GOVERNMENT

HOUSE FILE 317  
BY B. HANSEN and STRUYK

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 at the  
3 general election and including an effective date,  
4 applicability, and transition provision.

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

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HF 317

1 Section 1. Section 39.24, Code 2003, 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, 275.37, or 275.37A.

9 Sec. 2. Section 260C.11, unnumbered paragraph 1, Code  
10 2003, 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 2003, 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 2003, 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, subsection 1, Code 2003, is  
26 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 Sec. 6. Section 260C.22, subsection 1, paragraph a, Code  
7 2003, is amended to read as follows:

8 a. In addition to the tax authorized under section  
9 260C.17, the voters in any a merged area may at the ~~annual~~  
10 regular school election vote a tax not exceeding twenty and  
11 one-fourth cents per thousand dollars of assessed value in any  
12 one year for a period not to exceed ten years for the purchase  
13 of grounds, construction of buildings, payment of debts  
14 contracted for the construction of buildings, purchase of  
15 buildings and equipment for buildings, and the acquisition of  
16 libraries, for the purpose of paying costs of utilities, and  
17 for the purpose of maintaining, remodeling, improving, or  
18 expanding the community college of the merged area. If the  
19 tax levy is approved under this section, the costs of  
20 utilities shall be paid from the proceeds of the levy. The  
21 tax shall be collected by the county treasurers and remitted  
22 to the treasurer of the merged area as provided in section  
23 331.552, subsection 29. The proceeds of the tax shall be  
24 deposited in a separate and distinct fund to be known as the  
25 voted tax fund, to be paid out upon warrants drawn by the  
26 president and secretary of the board of directors of the  
27 merged area district for the payment of costs incurred in  
28 providing the school facilities for which the tax was voted.

29 Sec. 7. Section 273.8, subsections 1, 5, and 6, Code 2003,  
30 are amended to read as follows:

31 1. BOARD OF DIRECTORS. The board of directors of an area  
32 education agency shall consist of not less than five nor more  
33 than nine members, each a resident of and elected in the  
34 manner provided in this section from a director district that  
35 is approximately equal in population to the other director

1 districts in the area education agency. Each director shall  
2 serve a ~~three-year~~ four-year term which commences at the  
3 organization meeting.

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

10 6. BOUNDARY LINE CHANGES. To the extent possible the  
11 board shall provide that changes in the boundary lines of  
12 director districts of area education agencies shall not  
13 lengthen or diminish the term of office of a director of an  
14 area education agency board. Initial terms of office shall be  
15 set by the board so that as nearly as possible the terms of  
16 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

17 Sec. 8. Section 273.8, subsection 2, unnumbered paragraph  
18 2, Code 2003, is amended to read as follows:

19 The director district conventions shall be called and the  
20 locations of the conventions shall be determined by the area  
21 education agency administrator. ~~Annually~~ Biennially the  
22 director district conventions shall be held within two weeks  
23 following the regular school election. Notice of the time,  
24 date and place of a director district convention shall be  
25 published by the area education agency administrator at least  
26 forty-five days prior to the day of the district conventions  
27 in at least one newspaper of general circulation in the  
28 director district. The cost of publication shall be paid by  
29 the area education agency.

30 Sec. 9. Section 273.8, subsection 3, unnumbered paragraph  
31 1, Code 2003, is amended to read as follows:

32 The board of directors of each area education agency shall  
33 meet and organize at the first regular meeting in ~~October-of~~  
34 each-year December following the regular school election at a  
35 suitable place designated by the president. Directors whose

1 terms commence at the organization meeting shall qualify by  
2 taking the oath of office required by section 277.28 at or  
3 before the organization meeting.

4 Sec. 10. Section 274.7, Code 2003, is amended to read as  
5 follows:

6 274.7 DIRECTORS.

7 The affairs of each school corporation shall be conducted  
8 by a board of directors, the members of which in all community  
9 or independent school districts shall be chosen for a term of  
10 ~~three~~ four years.

11 Sec. 11. Section 275.1, subsections 2 and 5, Code 2003,  
12 are amended to read as follows:

13 2. "Initial board" means the board of a newly reorganized  
14 district that is selected pursuant to section 275.25 or 275.41  
15 and functions until the organizational meeting following the  
16 ~~fourth~~ third regular school election held after the effective  
17 date of the reorganization.

18 5. "Regular board" means the board of a reorganized  
19 district that begins to function at the organizational meeting  
20 following the ~~fourth~~ third regular school election held after  
21 the effective date of the school reorganization, and is  
22 comprised of members who were elected to the current terms or  
23 were appointed to replace members who were elected.

24 Sec. 12. Section 275.12, subsection 2, paragraphs b, c, d,  
25 and e, Code 2003, are amended to read as follows:

26 b. Division of the entire school district into designated  
27 geographical single director or multi-director subdistricts on  
28 the basis of population for each director, to be known as  
29 director districts, each of which ~~director-districts~~ shall be  
30 represented on the school board by one or more directors who  
31 shall be residents of the director district but who shall be  
32 elected by the vote of the electors of the entire school  
33 district. The boundaries of the director districts and the  
34 area and population included within each district shall be  
35 such as justice, equity, and the interests of the people may

1 require. Changes in the boundaries of director districts  
2 shall not be made during a period commencing sixty days prior  
3 to the date of the ~~annual~~ regular school election. Insofar As  
4 far as ~~may-be~~ practicable, the boundaries of the districts  
5 shall follow established political or natural geographical  
6 divisions.

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

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

29 e. In districts having seven directors, election of three  
30 directors at large by the electors of the entire district, ~~one~~  
31 no more than two at each ~~annual~~ regular school election, and  
32 election of the remaining directors as residents of and by the  
33 electors of individual geographic subdistricts established on  
34 the basis of population and identified as director districts,  
35 no more than two at a regular school election. Boundaries of

1 the subdistricts shall follow precinct boundaries, insofar as  
2 far as practicable, and shall not be changed less than sixty  
3 days prior to the annual regular school election.

4 Sec. 13. Section 275.25, subsection 3, Code 2003, is  
5 amended to read as follows:

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

33 Sec. 14. Section 275.37, Code 2003, is amended to read as  
34 follows:

35 275.37 INCREASE IN NUMBER OF DIRECTORS.



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

15 Sec. 15. Section 275.37A, Code 2003, is amended to read as  
16 follows:

17 275.37A DECREASE IN NUMBER OF DIRECTORS.

18 1. A change from seven to five directors shall be effected  
19 in a district at the first regular school election after  
20 authorization by the voters in the following manner:

21 a. If at the first election in the district there are  
22 ~~three~~ four terms expiring, ~~one director~~ three directors shall  
23 be elected. At the second election in that district, if ~~two~~  
24 three terms are expiring, two directors shall be elected. At  
25 ~~the third election in that district, if there are two terms~~  
26 ~~expiring, two directors shall be elected.~~

27 b. If at the first election there are ~~two~~ three terms  
28 expiring, ~~no~~ two directors shall be elected. At the second  
29 election in that district, if ~~two~~ four terms are expiring, two  
30 directors shall be elected. ~~At the third election in that~~  
31 ~~district, if there are three terms expiring, three directors~~  
32 ~~shall be elected, two for three years and one for one year.~~  
33 ~~The newly elected director who received the fewest votes in~~  
34 ~~the election shall be assigned a term of one year.~~

35 c. ~~---If at the first election there are two terms expiring,~~

1 no-directors-shall-be-elected.--At-the-second-election-in-that  
2 district, if three terms are expiring, three directors shall  
3 be elected, two for three years and one for two years.--The  
4 newly-elected-director-who-received-the-fewest-votes-in-the  
5 election shall be assigned a term of two years.--At the third  
6 election in that district, if there are two terms expiring,  
7 two directors shall be elected.

8       2. If some or all of the directors are elected from  
9 director districts, the board shall devise a plan to reduce  
10 the number of members so that as nearly as possible one-third  
11 one-half of the members of the board shall be elected each  
12 year biennially and so that each district will be continuously  
13 represented.

14       Sec. 16. Section 275.38, Code 2003, is amended to read as  
15 follows:

16       275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

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

1 Sec. 17. Section 275.41, subsection 3, Code 2003, is  
2 amended to read as follows:

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

20 Sec. 18. Section 277.1, Code 2003, is amended to read as  
21 follows:

22 277.1 REGULAR ELECTION.

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

29 Sec. 19. Section 277.2, Code 2003, is amended to read as  
30 follows:

31 277.2 SPECIAL ELECTION.

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

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

8 Sec. 20. Section 277.20, unnumbered paragraph 1, Code  
9 2003, is amended to read as follows:

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

26 Sec. 21. Section 277.25, Code 2003, is amended to read as  
27 follows:

28 277.25 DIRECTORS IN NEW DISTRICTS.

29 At the first election in newly organized districts the  
30 directors shall be elected as follows:

31 1. In districts having three directors, ~~one-director two~~  
32 directors shall be elected for ~~one-year, one-for~~ two years,  
33 and one for ~~three~~ four years.

34 2. In districts having five directors, ~~two~~ three shall be  
35 elected for ~~one-year, two-for~~ two years, and one two for ~~three~~

1 four years.

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

5 Sec. 22. Section 278.2, unnumbered paragraph 2, Code 2003,  
6 is amended to read as follows:

7 Petitions filed under this section shall be filed with the  
8 secretary of the school board at least seventy-five days  
9 before the date of the ~~annual~~ regular school election, if the  
10 question is to be included on the ballot at that election.  
11 The petition shall include the signatures of the petitioners,  
12 a statement of their place of residence, and the date on which  
13 they signed the petition.

14 Sec. 23. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.  
15 This Act, being deemed of immediate importance, takes effect  
16 upon enactment, for purposes of the transition from election  
17 of directors of community and independent school districts,  
18 merged areas, and area education agencies annually from terms  
19 of three years each to the staggered election of such  
20 directors biennially for terms of four years each. This Act  
21 shall be applied so that the first election at which  
22 directors, due to the expiration of predecessor director  
23 terms, shall be elected to serve regular four-year terms is  
24 the regular school election held in November 2004 or the  
25 director district conventions held in November 2004.

26 The board of directors of each affected school district and  
27 each merged area and area education agency shall review the  
28 expiration dates of the terms of office of its directors and  
29 shall adopt by resolution a plan for shortening or lengthening  
30 terms of members for the annual school election or director  
31 district convention held in September 2003 so that all members  
32 whose terms expire at the regular school election or director  
33 district convention held in November 2004 will be elected to  
34 four-year terms with the remaining members of the board having  
35 their terms expire at the regular school election or director

1 district convention held in November 2006. The board shall  
2 submit a copy of the resolution adopting its plan to the  
3 office of the state commissioner of elections no later than  
4 August 1, 2003. In developing the plan, the board of  
5 directors shall take into consideration the terms for which  
6 the members were elected and the number of votes the members  
7 received in relation to the number of votes other candidates  
8 received at the applicable election or director district  
9 convention.

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EXPLANATION

This bill provides for the consolidation of election of the  
directors of local school districts, area education agencies,  
and merged areas on the general election day in November in  
even-numbered years. In order to accomplish these purposes,  
the bill changes the terms of these directors from three to  
four years and provides for a transition period.  
The bill takes effect upon enactment for purposes of making  
the transition from annual election to three-year terms to  
biennial election to four-year terms.