

JAN 21 2003
STATE GOVERNMENT

HOUSE FILE 36
BY DRAKE

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

A BILL FOR

1 An Act relating to the biennial election of directors of local
2 school districts, area education agencies, and merged areas,
3 and including an effective date, applicability, and transition
4 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 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.

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~~ following
33 the regular school election. Organization of the board shall
34 be 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 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~~ 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 2003,
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, canvass the abstracts of votes cast and
14 declare the results of the voting. The commissioner shall at
15 once issue certificates of election to each person declared
16 elected, and shall certify to the merged area board in
17 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 2003, 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 and 6, Code 2003, are
11 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 6. BOUNDARY LINE CHANGES. To the extent possible the
21 board shall provide that changes in the boundary lines of
22 director districts of area education agencies shall not
23 lengthen or diminish the term of office of a director of an
24 area education agency board. Initial terms of office shall be
25 set by the board so that as nearly as possible the terms of
26 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

27 Sec. 8. Section 273.8, subsection 2, unnumbered paragraph
28 2, Code 2003, is amended to read as follows:

29 The director district conventions shall be called and the
30 locations of the conventions shall be determined by the area
31 education agency administrator. ~~Annually~~ Biennially the
32 director district conventions shall be held within two weeks
33 following the regular school election. Notice of the time,
34 date and place of a director district convention shall be
35 published by the area education agency administrator at least

1 forty-five days prior to the day of the district conventions
2 in at least one newspaper of general circulation in the
3 director district. The cost of publication shall be paid by
4 the area education agency.

5 Sec. 9. Section 273.8, subsection 3, unnumbered paragraph
6 1, Code 2003, is amended to read as follows:

7 The board of directors of each area education agency shall
8 meet and organize at the first regular meeting in October of
9 ~~each-year~~ following the regular school election at a suitable
10 place designated by the president. Directors whose terms
11 commence at the organization meeting shall qualify by taking
12 the oath of office required by section 277.28 at or before the
13 organization meeting.

14 Sec. 10. Section 274.7, Code 2003, is amended to read as
15 follows:

16 274.7 DIRECTORS.

17 The affairs of each school corporation shall be conducted
18 by a board of directors, the members of which in all community
19 or independent school districts shall be chosen for a term of
20 ~~three~~ four years.

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

23 2. "Initial board" means the board of a newly reorganized
24 district that is selected pursuant to section 275.25 or 275.41
25 and functions until the organizational meeting following the
26 ~~fourth~~ third regular school election held after the effective
27 date of the reorganization.

28 5. "Regular board" means the board of a reorganized
29 district that begins to function at the organizational meeting
30 following the ~~fourth~~ third regular school election held after
31 the effective date of the school reorganization, and is
32 comprised of members who were elected to the current terms or
33 were appointed to replace members who were elected.

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

1 b. Division of the entire school district into designated
2 geographical single director or multi-director subdistricts on
3 the basis of population for each director, to be known as
4 director districts, each of which ~~director-districts~~ shall be
5 represented on the school board by one or more directors who
6 shall be residents of the director district but who shall be
7 elected by the vote of the electors of the entire school
8 district. The boundaries of the director districts and the
9 area and population included within each district shall be
10 such as justice, equity, and the interests of the people may
11 require. Changes in the boundaries of director districts
12 shall not be made during a period commencing sixty days prior
13 to the date of the ~~annual~~ regular school election. Insofar As
14 far as ~~may-be~~ practicable, the boundaries of the districts
15 shall follow established political or natural geographical
16 divisions.

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

27 d. Division of the entire school district into designated
28 geographical single director or multi-director subdistricts on
29 the basis of population for each director, to be known as
30 director districts, each of which ~~director-districts~~ shall be
31 represented on the school board by one or more directors who
32 shall be residents of the director district and who shall be
33 elected by the voters of the director district. Place of
34 voting in the director districts shall be designated by the
35 commissioner of elections. Changes in the boundaries of

1 director districts shall not be made during a period
2 commencing sixty days prior to the date of the annual regular
3 school election.

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

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

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

1 ~~until the directors' successors qualify after the fourth~~
2 ~~regular school election date occurring after the effective~~
3 ~~date of the reorganization~~ timelines specified in this
4 subsection for the terms of office apply to the four newly
5 elected directors receiving the most votes and then to the
6 three newly elected directors receiving the next largest
7 number of votes.

8 Sec. 14. Section 275.37, Code 2003, is amended to read as
9 follows:

10 275.37 INCREASE IN NUMBER OF DIRECTORS.

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

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

27 275.37A DECREASE IN NUMBER OF DIRECTORS.

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

31 a. If at the first election in the district there are
32 ~~three~~ four terms expiring, ~~one director~~ three directors shall
33 be elected. At the second election in that district, if ~~two~~
34 three terms are expiring, two directors shall be elected. ~~At~~
35 ~~the third election in that district, if there are two terms~~

1 ~~expiring, two directors shall be elected.~~

2 b. If at the first election there are two three terms
3 expiring, no two directors shall be elected. At the second
4 election in that district, if two four terms are expiring, two
5 three directors shall be elected. ~~At the third election in~~
6 ~~that district, if there are three terms expiring, three~~
7 ~~directors shall be elected, two for three years and one for~~
8 ~~one year. The newly elected director who received the fewest~~
9 ~~votes in the election shall be assigned a term of one year.~~

10 c. ~~If at the first election there are two terms expiring,~~
11 ~~no directors shall be elected. At the second election in that~~
12 ~~district, if three terms are expiring, three directors shall~~
13 ~~be elected, two for three years and one for two years. The~~
14 ~~newly elected director who received the fewest votes in the~~
15 ~~election shall be assigned a term of two years. At the third~~
16 ~~election in that district, if there are two terms expiring,~~
17 ~~two directors shall be elected.~~

18 2. If some or all of the directors are elected from
19 director districts, the board shall devise a plan to reduce
20 the number of members so that as nearly as possible one-third
21 one-half of the members of the board shall be elected each
22 year biennially and so that each district will be continuously
23 represented.

24 Sec. 16. Section 275.38, Code 2003, is amended to read as
25 follows:

26 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

27 If change in the method of election of school directors is
28 approved at a regular or special school election, the
29 directors who were serving unexpired terms or were elected
30 concurrently with approval of the change of method shall serve
31 out the terms for which they were elected. If the plan
32 adopted is that described in section 275.12, subsection 2,
33 paragraph "b, c, d, or e" "b", "c", "d", or "e", the
34 board shall at the earliest practicable time designate the
35 districts from which residents are to be elected as school

1 directors at each of the next ~~three~~ two succeeding ~~annual~~
2 regular school elections, arranging so far as possible for
3 elections of directors as residents of the respective
4 districts to coincide with the expiration of terms of
5 incumbent members residing in those districts. If an increase
6 in the size of the board from five to seven members is
7 approved concurrently with the change in method of election of
8 directors, the board shall make the necessary adjustment in
9 the manner prescribed in section 275.37, as well as providing
10 for implementation of the districting plan under this section.

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

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

30 Sec. 18. Section 277.1, Code 2003, is amended to read as
31 follows:

32 277.1 REGULAR ELECTION.

33 The regular election shall be held ~~annually~~ biennially on
34 the ~~second~~ first Tuesday after the first Monday in September
35 of each odd-numbered year in each school district for the

1 election of officers of the district and merged area and for
2 the purpose of submitting to the voters any matter authorized
3 by law.

4 Sec. 19. Section 277.2, Code 2003, is amended to read as
5 follows:

6 277.2 SPECIAL ELECTION.

7 The board of directors in a school corporation may call a
8 special election at which the voters shall have the powers
9 exercised at the regular election with reference to the sale
10 of school property and the application to be made of the
11 proceeds, the authorization to change the method of election
12 of school directors to any method authorized by section
13 275.12, the authorization of seven members on the board of
14 directors, the authorization to establish or change the
15 boundaries of director districts, and the authorization of a
16 voter-approved physical plant and equipment levy or
17 indebtedness, as provided by law.

18 Sec. 20. Section 277.25, Code 2003, is amended to read as
19 follows:

20 277.25 DIRECTORS IN NEW DISTRICTS.

21 At the first election in newly organized districts the
22 directors shall be elected as follows:

23 1. In districts having three directors, ~~one-director~~ two
24 directors shall be elected for ~~one-year~~~~-one-for~~ two years,
25 and one for ~~three~~ four years.

26 2. In districts having five directors, ~~two~~ three shall be
27 elected for ~~one-year~~~~-two-for~~ two years, and one two for ~~three~~
28 four years.

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

32 Sec. 21. Section 278.2, unnumbered paragraph 2, Code 2003,
33 is amended to read as follows:

34 Petitions filed under this section shall be filed with the
35 secretary of the school board at least seventy-five days

1 before the date of the ~~annual~~ regular school election, if the
2 question is to be included on the ballot at that election.
3 The petition shall include the signatures of the petitioners,
4 a statement of their place of residence, and the date on which
5 they signed the petition.

6 Sec. 22. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.

7 This Act, being deemed of immediate importance, takes effect
8 upon enactment, for purposes of the transition from election
9 of directors of community and independent school districts,
10 merged areas, and area education agencies annually from terms
11 of three years each to the staggered election of such
12 directors biennially for terms of four years each. This Act
13 shall be applied so that the first election at which
14 directors, due to the expiration of predecessor director
15 terms, shall be elected to serve regular four-year terms is
16 the regular school election held in September 2005 or the
17 director district conventions held in September 2005.

18 The board of directors of each affected school district and
19 each merged area and area education agency shall review the
20 expiration dates of the terms of office of its directors and
21 shall adopt by resolution a plan for shortening terms of the
22 members for the annual school election or director district
23 convention held in September 2004 so that the members whose
24 terms expire at the regular school election or director
25 district convention held in September 2005 will be elected to
26 four-year terms. The board shall submit a copy of the
27 resolution adopting its plan to the office of the state
28 commissioner of elections no later than August 1, 2004. In
29 developing the plan, the board of directors shall take into
30 consideration the terms for which the members were elected and
31 the number of votes the members received in relation to the
32 number of votes other candidates received at the applicable
33 election or director district convention.

34 EXPLANATION

35 This bill provides for the election of the directors of

1 local school districts and merged areas in September in odd-
2 numbered years. Area education agencies are required by law
3 to hold their director district conventions within two weeks
4 of the regular school election. Area education agency board
5 directors are elected at those conventions. In order to
6 accomplish these purposes, the bill changes the terms of all
7 of these directors from three to four years and provides for a
8 transition period.

9 The bill takes effect upon enactment for purposes of
10 holding the area education agency director district
11 conventions in September 2005, and the first biennial regular
12 school election in September 2005.

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

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