

JAN 12 2006

EDUCATION

HOUSE FILE 2048

BY GRANZOW

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to school reorganization and dissolution by
2 allowing certain landowners in a reorganizing or dissolving
3 school district to petition to join a contiguous school
4 district.

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

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1 Section 1. Section 275.15, unnumbered paragraph 1, Code
2 2005, is amended to read as follows:

3 At the hearing, which shall be held within ten days of the
4 final date set for filing objections, interested parties, both
5 petitioners and objectors, may present evidence and arguments,
6 and the area education agency board shall review the matter on
7 its merits ~~and within~~. Within ten days after the conclusion
8 of any hearing, shall rule on the objections and the area
9 education agency board shall rule on the objections and shall
10 issue its recommendations regarding the boundaries. Within
11 sixty days after the issuance of its recommendations, the area
12 education agency board shall enter an order fixing the
13 boundaries for the proposed school corporation as will in its
14 judgment be for the best interests of all parties concerned,
15 having due regard for the welfare of adjoining districts, or
16 dismiss the petition. However, if an appeal has been filed
17 with the state board of education pursuant to section 275.17A,
18 subsection 5, the area education agency board shall not enter
19 an order fixing the boundaries until the state board issues
20 its final decision.

21 Sec. 2. NEW SECTION. 275.17A PETITION TO JOIN CONTIGUOUS
22 SCHOOL DISTRICT.

23 1. For the school year commencing July 1, 2007, and each
24 succeeding school year, a person owning land within the
25 territory described in a petition filed in accordance with
26 section 275.12 may, within fifteen days after the publication
27 of a board ruling and issuance of its recommendations
28 regarding the boundaries under section 275.15 or, if a
29 controversy arises and a party brings the controversy to the
30 department of education under section 275.16, within twenty
31 days after the decision of the department of education under
32 section 275.16, petition the appropriate area education agency
33 administrator to join a school district that is contiguous to
34 the person's land.

35 2. Any person owning land that is contiguous to the land

1 owned by a person who files a petition to join a contiguous
2 school district in accordance with subsection 1 may also file
3 a petition to join the same school district within the same
4 time period specified in subsection 1.

5 3. The board of directors of a school district that
6 receives a petition to join the school district in accordance
7 with this section shall take action on the petition within
8 thirty days of the filing. Petitions shall be reviewed on a
9 first come, first served basis. Petitions may only be
10 approved until the property tax valuation of the land
11 described in the petitions exceeds five percent of the
12 property tax valuation of the proposed reorganized area. If a
13 petition is approved by the board, the board shall notify the
14 secretary of state and the area education agency in the
15 proposed reorganized area of its approval within ten days of
16 its action and the secretary of state shall redraw the
17 boundaries specified for the proposed reorganized area to
18 remove the land area specified in the petition.

19 4. If the property tax valuation of the land excluded from
20 the proposed reorganized area in accordance with this section
21 reaches five percent of the property tax valuation of the
22 proposed reorganized area, the area education agency in the
23 proposed reorganized area shall notify the board of directors
24 of the school district that the property tax valuation limit
25 specified in subsection 3 has been reached.

26 5. The board of directors of a school district may appeal
27 the decision of the contiguous school district to the state
28 board of education under chapter 290.

29 6. If the proposed reorganized area as redrawn by the
30 secretary of state is determined by the area education agency
31 board to comply with the plans which were adopted by the board
32 in accordance with section 275.5, the area education
33 administrator shall proceed as provided under section 275.18.

34 Sec. 3. Section 275.54, unnumbered paragraph 2, Code 2005,
35 is amended to read as follows:

1 ~~ff~~ Except as provided in section 275.54A, if a dissolution
2 proposal adopted by a board contains provisions that ninety-
3 five percent or more of the taxable valuation of the
4 dissolving district would be assumed and attached to a single
5 school district, the dissolving school district shall cease
6 further proceedings to dissolve and shall comply with
7 reorganization procedures specified in this chapter.

8 Sec. 4. NEW SECTION. 275.54A PETITION TO JOIN A
9 CONTIGUOUS SCHOOL DISTRICT.

10 1. Not later than twenty days following the date of the
11 final hearing on the dissolution proposal, a person owning
12 land within the territory described in the proposal may
13 petition the appropriate area education agency administrator
14 to join a school district that is contiguous to the person's
15 land.

16 2. Any person owning land that is contiguous to the land
17 owned by a person who files a petition to join a contiguous
18 school district in accordance with subsection 1 may also file
19 a petition to join the same school district within the same
20 time period specified in subsection 1.

21 3. The board of directors of a school district that
22 receives a petition to join the school district in accordance
23 with this section shall take action on the petition within
24 fifteen days of the filing. If a petition is approved by the
25 board, the board shall notify the appropriate area education
26 agency administrator and that portion of the dissolution
27 proposal shall not be included in the proposal voted upon
28 under section 275.55 and the director of the department of
29 education shall attach the area to the contiguous school
30 district.

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EXPLANATION

32 This bill provides a process by which a landowner may
33 petition to join a contiguous school district when the
34 person's land is located within the boundaries of a school
35 district that is reorganizing or dissolving.

1 Beginning July 1, 2007, a person owning land within the
2 territory described for a proposed reorganized area may file a
3 petition to join a school district that is contiguous to the
4 person's land and if the school district approves the request,
5 the land is excluded from the proposed reorganized area.
6 Further, the bill allows any other person whose land is
7 contiguous to that of the landowner whose land is contiguous
8 to the school district and who is eligible to file a petition
9 to join the contiguous school district, to file a petition to
10 join the same school district. A petition to join a
11 contiguous school district must be filed by the landowner
12 within 15 days after an area education agency board has held
13 hearings and issued its recommendations regarding any
14 objections to the reorganization or, if the decision of the
15 board is appealed to the department of education, within 20
16 days after the decision of the department.

17 If the petition to join is approved by the school board,
18 the board shall notify the area education agency for the
19 reorganized area and the secretary of state of its approval
20 and the secretary of state shall redraw the boundaries
21 specified for the proposed reorganized area to remove the land
22 area specified in the petition to join and, if the redrawn
23 proposed reorganized area is determined by the area education
24 agency board to comply with the reorganization plans, the
25 administrator is directed to proceed with the reorganization
26 process. The bill permits a school district to appeal the
27 decision of the contiguous school district to the state board
28 of education.

29 However, the property tax valuation of the land excluded
30 from the proposed reorganized area in accordance with the bill
31 shall not exceed 5 percent of the property tax valuation of
32 the proposed reorganized area.

33 The bill also allows a landowner, within 20 days following
34 the date of the final hearing on the dissolution proposal
35 submitted by a school board dissolution commission, to

1 petition the appropriate area education agency administrator
2 to join a contiguous school district. A landowner contiguous
3 to the landowner submitting a petition may also petition to
4 join the contiguous school district. The contiguous school
5 district has 15 days to take action on the petition. If the
6 school district approves the petition, the area education
7 agency shall be notified and the landowner's territory shall
8 be excluded from the dissolution proposal.

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