

MAR 6 2006  
Place On Calendar

HOUSE FILE 2656  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2048)

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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HF 2656

1 Section 1. Section 275.12, subsection 4, Code 2005, is  
2 amended to read as follows:

3 4. The area education agency board in reviewing the  
4 petition as provided in sections 275.15 and 275.16 shall  
5 review the proposed method of election of school directors and  
6 may change or amend the plan in any manner, including to  
7 specify a different method of electing school directors as may  
8 be required by law, justice, equity, and the interest of the  
9 people. The area education agency board shall also consider  
10 in reviewing the petition as provided in sections 275.15 and  
11 275.16 the following criteria in the following priority order:  
12 geography; transportation; educational opportunity; whether  
13 the land owned by a person who files an objection requesting  
14 territory exclusion pursuant to section 275.14 is contiguous  
15 to another school district; and whether persons whose lands  
16 are successively contiguous in a direct line to land owned by  
17 a person whose land is contiguous to another school district  
18 file, along with the person whose land is contiguous to  
19 another school district, an objection requesting territory  
20 exclusion pursuant to section 275.14. In the action, the area  
21 education agency board shall follow the same procedure as is  
22 required by sections 275.15 and 275.16 for other action on the  
23 petition by the area education agency board.

24 Sec. 2. Section 275.15, unnumbered paragraphs 2 and 4,  
25 Code 2005, are amended to read as follows:

26 The area education agency board, when entering the order  
27 fixing the boundaries, shall consider all available evidence  
28 including, but not limited to, information presented by the  
29 petitioners, all objections requesting territory exclusion,  
30 reorganization studies and plans, geographical patterns  
31 evidenced by students using open enrollment to attend school  
32 in another district pursuant to section 282.18, potential  
33 travel distances required of students, and geographic  
34 configuration of the proposed district. ~~The-exclusion-of~~  
35 ~~territory-shall-represent-a-balance-between-the-rights-of-the~~

1 ~~objectors-and-the-welfare-of-the-reorganized-district-~~

2 The administrator shall at once publish the decision in the  
3 same newspaper in which the original notice was published.  
4 Within twenty days after the publication, the decision  
5 rendered by the area education agency board may be appealed to  
6 the district court in the county involved by any school  
7 district affected. For purposes of appeal, only those school  
8 districts who filed reorganization petitions are school  
9 districts affected. An appeal from a decision of an area  
10 education agency board or joint area education agency boards  
11 under section 275.4, 275.16, or this section is subject to  
12 appeal procedures under this chapter and is not subject to  
13 appeal under chapter 290.

14 Sec. 3. Section 275.54, unnumbered paragraph 1, Code 2005,  
15 is amended to read as follows:

16 Within ten days following the filing of the dissolution  
17 proposal with the board, the board shall fix a date for a  
18 hearing on the proposal which shall not be more than sixty  
19 days after the dissolution petition was filed with the board.  
20 The board shall publish notice of the date, time, and location  
21 of the hearing at least ten days prior to the date of the  
22 hearing by one publication in a newspaper in general  
23 circulation in the district. The notice shall include the  
24 content of the dissolution proposal. A person residing or  
25 owning land in the school district may present evidence and  
26 arguments at the hearing or may file an objection requesting  
27 territory exclusion using the procedures set forth in sections  
28 275.12, 275.14, and 275.15. The president of the board shall  
29 preside at the hearing. The board shall review testimony from  
30 the hearing and shall adopt or amend and adopt the dissolution  
31 proposal. The board shall notify by registered mail the  
32 boards of directors of all school districts to which area of  
33 the affected school district will be attached and the director  
34 of the department of education of the contents of the  
35 dissolution proposal adopted by the board. If the board of a

1 district to which area of the affected school district will be  
2 attached objects to the attachment, that portion of the  
3 dissolution proposal will not be included in the proposal  
4 voted upon under section 275.55 and the director of the  
5 department of education shall attach the area to a contiguous  
6 school district. If the board of a district to which area of  
7 the affected school district will be attached objects to the  
8 division of assets and liabilities contained in the  
9 dissolution proposal, section 275.30 applies for the division  
10 of assets and liabilities to that district.

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EXPLANATION

12 This bill expands the criteria the board of directors of an  
13 area education agency must consider when reviewing petitions  
14 objecting to redrawn school district boundaries and makes an  
15 appeal from a decision of an area education agency board or  
16 joint area education agency boards subject to appeal to the  
17 state board of education.

18 The new criteria are added in the following priority order:  
19 geography, transportation, educational opportunity; whether  
20 the land owned by the petitioner is contiguous to another  
21 school district; and whether the persons whose lands are  
22 successively contiguous in a direct line to land owned by a  
23 person whose land is contiguous to another school district  
24 file, along with the person whose land is contiguous to  
25 another school district, an objection requesting territory  
26 exclusion.

27 The bill strikes language which states that the exclusion  
28 of territory shall represent a balance between the rights of  
29 the objectors and the welfare of the reorganized district.

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