

Senate File 256 - Introduced

SENATE FILE 256

BY McCOY

A BILL FOR

1 An Act relating to school reorganization by establishing an
2 office of county school superintendent in each county,
3 requiring the reorganization of certain school districts and
4 the approval of certain expenditures of supplemental school
5 infrastructure revenues, and including effective date and
6 applicability provisions.

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

1 Section 1. Section 73.18, Code 2011, is amended to read as
2 follows:

3 **73.18 Notice of solicitation for bids — identification of**
4 **targeted small businesses.**

5 The director of each agency or department, the administrator
6 of each area education agency, the president of each community
7 college, and ~~the~~ each county school superintendent ~~of each~~
8 ~~school district~~ releasing a solicitation for bids or request
9 for proposal under the targeted small business procurement goal
10 program shall consult a directory of certified targeted small
11 businesses produced by the department of economic development
12 that lists all certified targeted small businesses by category
13 of goods or services provided prior to or upon release of the
14 solicitation and shall send a copy of the request for proposal
15 or solicitation to any appropriate targeted small business
16 listed in the directory. The Iowa department of economic
17 development may charge the department, agency, area education
18 agency, community college, or school district a reasonable fee
19 to cover the cost of producing, distributing, and updating the
20 directory.

21 Sec. 2. Section 273.3, subsection 11, Code 2011, is amended
22 to read as follows:

23 11. Employ personnel to carry out the functions of the
24 area education agency which shall include the employment of
25 an administrator who shall possess a license issued under
26 chapter 272. The administrator shall be employed pursuant
27 to ~~section 279.20 and~~ sections 279.23, 279.24, and 279.25.
28 The board's initial contract with an administrator shall not
29 exceed one year if the board is obligated to pay a former
30 administrator under an unexpired contract. The salary for an
31 area education agency administrator shall be established by
32 the board based upon the previous experience and education of
33 the administrator. The administrator shall be the executive
34 officer of the board and have such powers and duties as may be
35 prescribed by rules adopted by the board or by law. Boards of

1 directors may jointly exercise the powers conferred by this
2 subsection. Section 279.13 applies to the area education
3 agency board and to all teachers employed by the area education
4 agency. Sections 279.23, 279.24, and 279.25 apply to the area
5 education board and to all administrators employed by the area
6 education agency.

7 Sec. 3. Section 273.23, subsection 4, Code 2011, is amended
8 to read as follows:

9 4. The initial board of the newly formed district shall
10 appoint an acting administrator and an acting board secretary.
11 The appointment of the acting administrator shall not be
12 subject to the continuing contract provisions of sections
13 ~~279.20~~, ~~279.23~~, and 279.24.

14 Sec. 4. NEW SECTION. **273A.1 Definitions.**

15 As used in this chapter, unless the context otherwise
16 requires:

17 1. "*Boards*" means the boards of directors of the school
18 districts administered by the office of county school
19 superintendent.

20 2. "*Office*" means the office of county school superintendent
21 established pursuant to section 273A.2.

22 3. "*Superintendent*" or "*county school superintendent*" means
23 a person who is licensed as a superintendent under chapter 272
24 and is employed as a school administrator for the county office
25 established pursuant to section 273A.2.

26 Sec. 5. NEW SECTION. **273A.2 Office of county school**
27 **superintendent — established.**

28 1. An office of county school superintendent is established
29 in each county which shall provide superintendent services,
30 personnel services, business management services, specialized
31 maintenance services, community relations services, and
32 transportation services to all school districts located within
33 the boundaries of the county except as provided in subsection
34 2.

35 2. For purposes of this chapter, a school district located

1 in more than one county shall be administered by the office
2 of county school superintendent in the county in which the
3 school district's greatest taxable property base is located.
4 If the school district's greatest taxable property base shifts
5 in future years to another county, the board of directors of
6 the school district may elect to remain with the original
7 office of county school superintendent or to join the office of
8 county school superintendent of the county in which the school
9 district's current greatest taxable property base is located.

10 3. The county school superintendent shall employ personnel
11 and assign the duties and responsibilities of the office.
12 For every eight thousand students enrolled in the school
13 districts administered by the office, the county school
14 superintendent shall employ not more than one individual in
15 each of the following positions: assistant county school
16 superintendent, chief financial officer, chief operating
17 officer, human resources director, community relations
18 director, transportation director, and legal counsel.

19 4. The county school superintendent shall recommend to
20 the boards the budget for the operation of the office. Based
21 on the enrollment of each school district administered by
22 the office, the county school superintendent shall determine
23 the amount each school district shall pay for the office's
24 operations based upon the proportion that the enrollment of
25 a district bears to the sum of the enrollments of all school
26 districts administered by the office as reported for the base
27 year.

28 5. A county school superintendent appointed pursuant
29 to this chapter shall serve a term of not more than three
30 years. If a vacancy is not filled by the boards within forty
31 days, the director of the department of education, subject to
32 the approval of the state board of education, shall appoint
33 an acting county school superintendent who shall serve the
34 remainder of the term vacated or until the boards appoint a
35 county school superintendent in accordance with section 273A.3,

1 whichever occurs first.

2 Sec. 6. NEW SECTION. 273A.3 **Boards of directors of school**
3 **districts — powers and duties.**

4 1. The boards of the school districts administered by an
5 office of county school superintendent shall jointly exercise
6 the powers conferred by this section. The boards, by a
7 majority vote of each board's members, shall jointly do all of
8 the following:

9 *a.* Appoint and fix the compensation of the county school
10 superintendent. The superintendent shall be employed pursuant
11 to sections 279.23 through 279.25 except that the boards shall
12 act jointly to contract with, establish evaluation criteria and
13 procedures for, or discharge a superintendent.

14 *b.* Determine and approve the powers and duties of the county
15 school superintendent in addition to those specified in section
16 273A.4.

17 *c.* Approve the curriculum recommended by the county
18 school superintendent in conformity with the core curriculum
19 established pursuant to section 256.7, subsection 26, and the
20 core content standards adopted pursuant to section 256.7,
21 subsection 28.

22 *d.* Consider and approve the office budget submitted by the
23 county school superintendent.

24 2. The board of directors of a school district may enter
25 into a contract with the office for services in addition to
26 those services the office provides uniformly to all boards.

27 Sec. 7. NEW SECTION. 273A.4 **County school superintendent —**
28 **powers and duties.**

29 The county school superintendent shall do all of the
30 following:

31 1. Act as secretary and executive officer of the boards.

32 2. Maintain records as necessary to administer the school
33 districts administered by the superintendent in accordance
34 with this chapter. Act as custodian of the records, reports,
35 documents, correspondence, or other school property that may be

- 1 placed in the superintendent's charge by the boards.
- 2 3. Advise and counsel the boards.
- 3 4. Develop short-term and long-term comprehensive school
4 improvement plans.
- 5 5. Supervise, or arrange for supervision of, instruction in
6 school districts administered by the superintendent.
- 7 6. Provide or arrange for professional development for
8 practitioners employed by the boards in accordance with
9 chapters 284 and 284A.
- 10 7. Act as the instructional leader for the county's school
11 districts and advance instructional excellence throughout the
12 school districts administered by the superintendent.
- 13 8. Establish policies for admitting, promoting, and
14 graduating students.
- 15 9. Recommend for adoption by the boards, plans and
16 procedures for enforcement of chapter 299.
- 17 10. Recommend for approval by the boards, plans to promote
18 and improve the health of students enrolled in the school
19 districts administered by the superintendent.
- 20 11. Recommend for approval by the boards, plans for the
21 maintenance and improvement of school libraries and school
22 library services.
- 23 12. Develop, in collaboration with the boards, an adequate,
24 efficient, safe, and economical system for the transportation
25 of students in accordance with chapter 285.
- 26 13. Assist all boards in making budgets, certifying tax
27 levies, and preparation of financial reports in conformity with
28 generally accepted accounting principles.
- 29 14. Provide to the boards, or operate upon request by
30 the board of directors of a school district administered
31 by the superintendent, a system of uniform standards and
32 specifications for purchasing.
- 33 15. Report to the board of educational examiners the
34 nonrenewal or termination of a person's contract as required
35 pursuant to section 272.15.

1 16. Assist any board of directors of a school district
2 administered by the superintendent, upon request, in
3 considering and investigating the matters set forth in appeals
4 submitted before the board.

5 17. Act as liaison between the department of education and
6 the boards.

7 18. Visit each attendance center in each school district
8 administered by the superintendent at least once during each
9 school year, and as requested by the board of directors of a
10 school district administered by the superintendent or by the
11 director of the department of education.

12 19. Administer and enforce this chapter and the rules
13 adopted by the state board of education and perform acts
14 reasonably necessary to effectuate the purposes of this
15 section.

16 20. Prepare a proposed budget, the certified budget, and any
17 budget amendments for each school district administered by the
18 superintendent in accordance with section 257.7. The office of
19 county school superintendent shall be considered a part of each
20 school district administered by the superintendent.

21 21. To facilitate a reorganization required pursuant to
22 section 275.1, subsection 2, assist, upon request of the
23 school district required to reorganize under section 275.1,
24 subsection 2, in planning and supervising the reorganization
25 of the school district, in consultation and cooperation with
26 the school district and the area education agency in which the
27 school district is located. If the school district elects
28 to reorganize with a school district located in a county
29 contiguous to the school district, the superintendent may
30 coordinate the reorganization process with the office of county
31 school superintendent that administers the contiguous school
32 district.

33 Sec. 8. Section 275.1, subsection 2, Code 2011, is amended
34 to read as follows:

35 2. It is the policy of the state to encourage economical

1 and efficient school districts which will ensure an equal
2 educational opportunity to all children of the state. All
3 areas of the state shall be in school districts maintaining
4 kindergarten and twelve grades. If a school district ceases
5 to maintain kindergarten and twelve grades except as otherwise
6 provided in section 28E.9, 256.13, 280.15, 282.7, ~~subsection~~
7 ~~1 or~~ subsections 1 and 3, or section 282.8, ~~it~~ the school
8 district shall reorganize within six months or the state board
9 of education shall attach the school district not maintaining
10 kindergarten and twelve grades to one or more adjacent
11 districts. Voluntary reorganizations under this chapter
12 shall be commenced only if the affected school districts
13 are contiguous or marginally adjacent to one another. A
14 reorganized district shall meet the requirements of section
15 275.3.

16 Sec. 9. Section 275.1, Code 2011, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 4. Notwithstanding subsection 2, for any
19 school year beginning on or after July 1, 2015, if a school
20 district has a total enrollment of less than seven hundred
21 fifty students, or if the school district does not operate
22 a secondary school, effective for the next school year, the
23 school district shall reorganize within six months, or the
24 state board shall attach the school district to one or more
25 adjacent districts.

26 Sec. 10. Section 275.3, Code 2011, is amended to read as
27 follows:

28 **275.3 Minimum size.**

29 No new school district shall be planned by an area education
30 agency board nor shall any proposal for creation or enlargement
31 of any school district be approved by an area education agency
32 board or submitted to electors unless there reside within the
33 proposed limits of such district at least ~~three~~ one thousand
34 two hundred persons of school age who were enrolled in public
35 schools in the preceding school year. Provided, however,

1 that the director of the department of education shall have
2 authority to grant permission to an area education agency board
3 to approve the formation or enlargement of a school district
4 containing a lower school enrollment than required in this
5 section on the written request of such area education agency
6 board if such request is accompanied by evidence tending
7 to show that sparsity of population, natural barriers or
8 other good reason makes it impracticable to meet the school
9 enrollment requirement.

10 Sec. 11. Section 275.25, subsection 6, Code 2011, is amended
11 to read as follows:

12 6. The board of the newly formed district shall ~~appoint~~
13 ~~an acting superintendent and an acting board secretary.~~ The
14 ~~appointment of the acting superintendent shall not be subject~~
15 ~~to the continuing contract provisions of sections 279.20,~~
16 ~~279.23, and 279.24~~ be administered by the office of the county
17 school superintendent in accordance with chapter 273A.

18 Sec. 12. Section 275.41, subsection 5, Code 2011, is amended
19 to read as follows:

20 5. The board of the newly formed district shall ~~appoint~~
21 ~~an acting superintendent and an acting board secretary.~~ The
22 ~~appointment of the acting superintendent shall not be subject~~
23 ~~to the continuing contract provision of sections 279.20,~~
24 ~~279.23, and 279.24~~ be administered by the office of the county
25 school superintendent in accordance with chapter 273A.

26 Sec. 13. Section 275.55, subsection 4, Code 2011, is amended
27 to read as follows:

28 4. The attachment is effective July 1 following its
29 approval. If the dissolution proposal is for the dissolution
30 of a school district with a certified enrollment of fewer than
31 ~~six~~ seven hundred fifty in grades nine through twelve, or if
32 the school district does not operate a secondary school, the
33 territory located in the school district that dissolved is
34 eligible, if approved by the director of the department of
35 education, for a reduction in the foundation property tax levy

1 under section 257.3, subsection 1. If the director approves a
2 reduction in the foundation property tax levy as provided in
3 this section, the director shall notify the director of the
4 department of management of the reduction.

5 Sec. 14. Section 279.20, subsection 1, Code 2011, is amended
6 by striking the subsection.

7 Sec. 15. Section 279.23, subsection 1, paragraph a, Code
8 2011, is amended to read as follows:

9 a. The term of employment which for all administrators
10 except for superintendents may be a term of up to two years.
11 ~~Superintendents may be employed under section 279.20 for a term~~
12 ~~not to exceed three years.~~

13 Sec. 16. Section 280.14, subsection 2, Code 2011, is amended
14 by striking the subsection.

15 Sec. 17. Section 423E.4, subsection 5, unnumbered paragraph
16 1, Code 2011, is amended to read as follows:

17 A school district with a certified enrollment of fewer
18 than ~~two hundred fifty~~ one thousand pupils in the entire
19 district or certified enrollment of fewer than ~~one~~ four
20 hundred pupils in high school shall not expend the supplemental
21 school infrastructure amount received for new construction or
22 for payments for bonds issued for new construction against
23 the supplemental school infrastructure amount without prior
24 application to the department of education and receipt of a
25 certificate of need pursuant to this subsection. However,
26 a certificate of need is not required for the payment of
27 outstanding bonds issued for new construction pursuant
28 to section 296.1, before April 1, 2003. A certificate of
29 need is also not required for repairing schoolhouses or
30 buildings, equipment, technology, or transportation equipment
31 for transporting students as provided in section 298.3, or
32 for construction necessary for compliance with the federal
33 Americans With Disabilities Act pursuant to 42 U.S.C. § 12101
34 - 12117. In determining whether a certificate of need shall
35 be issued or denied, the department shall consider all of the

1 following:

2 Sec. 18. Section 423F.3, subsection 5, unnumbered paragraph
3 1, Code 2011, is amended to read as follows:

4 A school district with a certified enrollment of fewer than
5 ~~two hundred fifty~~ one thousand pupils in the entire district
6 or certified enrollment of fewer than ~~one~~ four hundred pupils
7 in high school shall not expend the amount received for new
8 construction without prior application to the department of
9 education and receipt of a certificate of need pursuant to
10 this subsection. A certificate of need is not required for
11 repairing schoolhouses or buildings, equipment, technology, or
12 transportation equipment for transporting students as provided
13 in section 298.3, or for construction necessary for compliance
14 with the federal Americans With Disabilities Act pursuant to 42
15 U.S.C. § 12101 - 12117. In determining whether a certificate
16 of need shall be issued or denied, the department shall
17 consider all of the following:

18 Sec. 19. ACTING COUNTY SCHOOL SUPERINTENDENT. The acting
19 county school superintendent who shall initially administer
20 the school districts in a county shall be the superintendent
21 employed by a school district in the county who has the most
22 years of employment as a public school superintendent in the
23 county. The acting county school superintendent shall serve
24 a term of three years or until the boards of directors of the
25 school districts administered by the office of county school
26 superintendent, by majority vote of each board's members,
27 appoint a county school superintendent in accordance with
28 section 273A.3, subsection 1, paragraph "a", as enacted in this
29 Act, whichever occurs first.

30 Sec. 20. EFFECTIVE DATE. This Act takes effect July 1,
31 2015.

32 Sec. 21. APPLICABILITY. This Act is applicable to school
33 years beginning on or after that date.

34 EXPLANATION

35 This bill requires the establishment of an office of county

1 school superintendent in each county to provide superintendent,
2 personnel, business management, specialized maintenance,
3 community relations, and transportation services to all
4 school districts located within the boundaries of the county;
5 requires school districts to reorganize within six months if
6 the district's total enrollment is less than 750 students or if
7 the district does not operate a secondary school; and increases
8 the threshold at which a school district is prohibited from
9 expending supplemental school infrastructure moneys received
10 for new construction from a total enrollment of fewer than 250
11 students to a total enrollment of 1,000, and from a high school
12 enrollment of 100 students to an enrollment of 400 students.

13 COUNTY SCHOOL SUPERINTENDENT. New Code chapter 273A
14 establishes the office of county school superintendent and
15 the administration of school districts located in more than
16 one county, provides for the appointment of the county school
17 superintendent and the employment of personnel, and establishes
18 that for every 8,000 students, the office may employ not
19 more than one individual in each of the following positions:
20 assistant county school superintendent, chief finance officer,
21 chief operating officer, human resources director, community
22 relations director, transportation director, and legal counsel.

23 The bill lists the general powers and duties of the county
24 school superintendent, but permits the boards of the school
25 districts administered by the office to jointly determine and
26 approve additional powers and duties.

27 Based on the enrollment of each school district administered
28 by the office, the county school superintendent must determine
29 the amount each school district shall pay for the office's
30 operations based upon the proportion that the enrollment of
31 a school district bears to the sum of the enrollments of all
32 school districts administered by the office as reported for the
33 base year.

34 The bill also provides for the powers and duties of the
35 boards of directors of the school districts administered by the

1 office, which include the authority to approve the curriculum
2 recommended by the county school superintendent in conformity
3 with the core curriculum and the core content standards
4 established and adopted by the state board of education. The
5 bill permits a school district board to enter into a contract
6 with the office for services in addition to those services the
7 office provides uniformly to all boards.

8 Under the bill, the acting county school superintendent
9 initially employed by a school district will be the individual
10 who is currently employed by a school district and who has the
11 most years of employment as a public school superintendent
12 in the county. The acting county school superintendent will
13 serve a term of three years or until the school district boards
14 administered by the office jointly appoint a county school
15 superintendent, whichever occurs first.

16 The bill makes a number of conforming changes. The
17 bill strikes a provision that allows an individual who is
18 employed or contracted as a superintendent to also serve as an
19 elementary or secondary principal in the same school or school
20 district. Because the school districts administered by an
21 office, under the bill, will be sharing operational services,
22 the bill also eliminates the supplementary weighting of two
23 hundredths per pupil that school districts may qualify for if
24 they share operational functions with a political subdivision.

25 REORGANIZATION. The bill provides that if a school district
26 with a total enrollment of fewer than 750 students, or a school
27 district that does not operate a secondary school does not
28 reorganize within six months, the state board of education
29 shall attach the school district to one or more adjacent
30 districts. The bill also provides that if a school district
31 with an enrollment of 750 or less in grades nine through 12, or
32 without a high school, dissolves, the territory located in the
33 dissolved district is eligible, if approved by the director of
34 the department of education, for a reduction in the foundation
35 property tax levy. Current Code sets the enrollment count for

1 eligibility for the foundation property tax levy reduction at
2 600 or less.

3 SCHOOL INFRASTRUCTURE FUNDING. Currently, a school district
4 with a certified enrollment of fewer than 250 pupils in the
5 entire district or certified enrollment of fewer than 100
6 pupils in high school must apply to the department of education
7 for a certificate of need before the school district can expend
8 the supplemental school infrastructure amount received for
9 new construction or for payments for bonds issued for new
10 construction against the supplemental school infrastructure
11 amount. The bill increases the enrollment thresholds to
12 a total enrollment of 1,000 pupils and to a high school
13 enrollment of 400 pupils.

14 The bill takes effect July 1, 2015, and is applicable to
15 school years beginning on or after that date.