

**Senate File 321 - Introduced**

SENATE FILE 321  
BY CHELGREN

**A BILL FOR**

1 An Act specifying procedures for boundary changes involving  
2 the severance from and attachment of territory to a school  
3 district by petition and election.

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

1 Section 1. Section 275.5, Code 2017, is amended to read as  
2 follows:

3 **275.5 Proposals for merger or consolidation.**

4 A proposal for merger, consolidation, or boundary change of  
5 local school districts shall first be submitted to the area  
6 education agency board following the procedure prescribed in  
7 this chapter. Following receipt of a petition pursuant to  
8 section 275.11A or section 275.12, the area education agency  
9 board shall review its plans and determine whether the petition  
10 complies with the plans which had been adopted by the board.  
11 If the petition does not comply with the plans which had been  
12 adopted by the board, the board shall conduct further surveys  
13 pursuant to [section 275.4](#) prior to the date set for the hearing  
14 upon the petition. If further surveys have been conducted by  
15 the board, the board shall present the results of the further  
16 surveys at the hearing upon the petition.

17 Sec. 2. Section 275.11, Code 2017, is amended to read as  
18 follows:

19 **275.11 Proposals involving two or more districts.**

20 1. Subject to the approval of the area education agency  
21 board, contiguous or marginally adjacent territory located  
22 in two or more school districts may be united into a single  
23 district in the manner provided in [sections 275.12 to 275.22](#).

24 2. Subject to the approval of the area education agency  
25 board, a portion of a school district may be severed and  
26 attached to a different school district that contains  
27 territory contiguous or marginally adjacent to the portion  
28 of the territory to be attached in the manner provided in  
29 section 275.11A, and sections 275.13 through 275.22 insofar  
30 as applicable and appropriate to a petition filed pursuant to  
31 section 275.11A.

32 Sec. 3. NEW SECTION. **275.11A Petition for severance and**  
33 **attachment — election.**

34 1. Eligible electors of a school district may petition for  
35 a boundary change that requests the severance of a portion

1 of the school district's territory and attachment of such  
2 portion to an existing contiguous or marginally adjacent school  
3 district. The petition shall be filed with the area education  
4 agency administrator in the school district where the territory  
5 is located. Notice of the filing, including a copy of the  
6 petition, shall be served upon the boards of directors of the  
7 school districts affected by the proposed boundary change.

8 2. *a.* The petition must be signed by eligible electors  
9 residing in the school district that contains the territory  
10 that is to be severed equal in number to at least twenty  
11 percent of the number of registered voters in the school  
12 district, or four hundred eligible electors, whichever is the  
13 smaller number.

14 *b.* The petition shall describe the proposed boundary change,  
15 accurately describing the area included by legal descriptions,  
16 of the affected school districts, which boundaries or area  
17 described shall conform to plans developed or the petition  
18 shall request change of the plan, shall be filed with the area  
19 education agency administrator of the area education agency in  
20 which the greatest number of registered voters reside.

21 *c.* The area education agency administrator shall not  
22 accept a petition if any of the school districts affected  
23 have approved the issuance of general obligation bonds at  
24 an election pursuant to section 296.6 during the preceding  
25 six-month period.

26 3. The area education agency board, in reviewing a petition  
27 as provided in this section, may change or amend the proposal  
28 in any manner. The review conducted by the area education  
29 agency, including any resulting change to the proposal, shall  
30 ensure that the estimated revenue under section 423F.2 of  
31 the district where the territory to be severed is located  
32 is sufficient for the payment of principal and interest on  
33 the outstanding bonds required to be paid in the budget year  
34 following the severance.

35 Sec. 4. Section 275.13, Code 2017, is amended to read as

1 follows:

2 **275.13 Affidavit — presumption.**

3 ~~Such~~ A petition filed under section 275.11A or section  
4 275.12 shall be accompanied by an affidavit showing the  
5 number of registered voters living in each affected district  
6 or portion thereof described in the petition and signed by a  
7 registered voter residing in the territory, and if parts of the  
8 territory described in the petition are situated in different  
9 area education agencies, the affidavit shall show separately as  
10 to each agency, the number of registered voters in the part of  
11 the agency included in the territory described. The affidavit  
12 shall be taken as true unless objections to it are filed on  
13 or before the time fixed for filing objections as provided in  
14 section 275.14 hereof.

15 Sec. 5. Section 275.20, Code 2017, is amended to read as  
16 follows:

17 **275.20 Separate vote in existing districts.**

18 1. The voters shall vote separately in each existing school  
19 district affected and voters residing in the entire existing  
20 district are eligible to vote upon the proposition to create  
21 a new school corporation and on any additional provision  
22 authorized pursuant to [section 275.12, subsection 6](#). If a  
23 the proposition receives a majority of the votes cast in each  
24 of at least seventy-five percent of the districts, and also  
25 a majority of the total number of votes cast in all of the  
26 districts, the proposition is carried.

27 2. Notwithstanding subsection 1, if the proposition  
28 is a boundary change as described in section 275.11A, the  
29 registered voters residing in the entire existing district to  
30 which the territory will be attached are eligible to vote on  
31 the proposition, and the registered voters residing in the  
32 territory that is to be severed are eligible to vote on the  
33 proposition. If the proposition receives a majority of the  
34 votes cast in the existing district to which the territory will  
35 be attached and a majority of the votes cast in the territory

1 that is to be severed, the proposition is carried.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with  
4 the explanation's substance by the members of the general assembly.

5 This bill modifies Code chapter 275, which provides for the  
6 reorganization of school districts, to specify that a boundary  
7 change may be petitioned for and caused by the severance  
8 of territory from a school district and the attachment of  
9 the territory to a different school district that contains  
10 territory contiguous or marginally adjacent to the portion that  
11 is proposed to be attached, and by specifying procedures. A  
12 petition signed by eligible electors of the school district  
13 where the territory to be severed is located may be filed with  
14 the area education agency (AEA).

15 The number of eligible electors signing the petition must  
16 be equal in number to 20 percent of the number of registered  
17 voters in the school district or 400 eligible electors,  
18 whichever is the smaller number. The bill provides that  
19 notice of the filing, including a copy of the petition, must  
20 be served upon the boards of directors of the affected school  
21 districts. The procedures relating to filing a petition for  
22 boundary change, filing objections, holding hearings and a  
23 special election, and separate voting in the existing districts  
24 or territories, must be followed in the manner provided in  
25 Code sections 275.13 through 275.22, insofar as applicable and  
26 appropriate to a petition filed pursuant to the bill.

27 As provided in current law, the AEA administrator shall  
28 not accept a petition if any of the school districts affected  
29 have approved the issuance of general obligation bonds at an  
30 election during the preceding six-month period.

31 The AEA board shall review the proposal, including the  
32 impact on school infrastructure funding for the school district  
33 where the territory to be severed is located, and may change or  
34 amend the proposal in any manner.

35 If the petition is approved by the AEA, an election shall

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1 be held on the proposition and only the registered voters in  
2 the territory to be severed and the registered voters of the  
3 existing district to which the territory will be attached  
4 are eligible to vote on the proposition. If the proposition  
5 receives a majority of the votes in the existing district and a  
6 majority of votes in the territory that is to be severed, the  
7 proposition is carried.