

Senate File 416 - Reprinted

SENATE FILE _____
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 326)

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

A BILL FOR

1 An Act providing for the removal of the requirement that two or
2 more public school districts be contiguous in order to utilize
3 financial, administrative, merger and dissolution, open
4 enrollment, and sharing incentives and policies.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2525SV 83
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1 1 Section 1. Section 256.11, subsection 12, Code 2009, is
2 amended to read as follows:
1 3 12. a. During the period of time specified in the plan
1 4 for its implementation by a school district or nonpublic
1 5 school, the school district or school remains accredited.
1 6 b. The accreditation committee shall revisit the school
1 7 district or nonpublic school and shall determine whether the
1 8 deficiencies in the standards have been corrected and shall
1 9 make a report and recommendation to the director and the state
1 10 board. The committee recommendation shall specify whether the
1 11 school district or school shall remain accredited or under
1 12 what conditions the district may remain accredited. The
1 13 conditions may include, but are not limited to, providing
1 14 temporary oversight authority, operational authority, or both
1 15 oversight and operational authority to the director and the
1 16 state board for some or all aspects of the school district
1 17 operation, in order to bring the school district into
1 18 compliance with minimum standards.
1 19 c. The state board shall review the report and
1 20 recommendation, may request additional information, and shall
1 21 determine whether the deficiencies have been corrected. If
1 22 the deficiencies have not been corrected, and the conditional
1 23 accreditation alternatives contained in the report are not
1 24 mutually acceptable to the local board and the state board,
1 25 the state board shall merge the territory of the school
1 26 district with one or more ~~contiguous~~ school districts at the
1 27 end of the school year.
1 28 d. Division of assets and liabilities of the school
1 29 district shall be as provided in sections 275.29 through
1 30 275.31. Until the merger is completed, and subject to a
1 31 decision by the state board of education, the school district
1 32 shall pay tuition for its resident students to an accredited
1 33 school district under section 282.24.
1 34 e. ~~However, in~~ In lieu of merger and payment of tuition by
1 35 a nonaccredited school district, the state board may place a
2 1 district under receivership for the remainder of the school
2 2 year. The receivership shall be under the direct supervision
2 3 and authority of the director.
2 4 f. The decision of whether to merge the school district
2 5 and require payment of tuition for the district's students or
2 6 to place the district under receivership shall be based upon a
2 7 determination by the state board of the best interests of the
2 8 students, parents, residents of the community, teachers,
2 9 administrators, and board members of the district and the
2 10 recommendations of the accreditation committee and the
2 11 director. If the state board declares a nonpublic school to
2 12 be nonaccredited, the removal of accreditation shall take
2 13 effect on the date established by the resolution of the state
2 14 board, which shall be no later than the end of the school year

2 15 in which the nonpublic school is declared to be nonaccredited.

2 16 Sec. 2. Section 257.11, subsection 6, paragraph b, Code
2 17 2009, is amended to read as follows:

2 18 b. (1) Supplementary weighting pursuant to this
2 19 subsection shall be available to a school district for a
2 20 maximum of five years during the period commencing with the
2 21 budget year beginning July 1, 2008, through the budget year
2 22 beginning July 1, 2013.

2 23 (2) The minimum amount of additional weighting for which a
2 24 school district shall be eligible is an amount equivalent to
2 25 ten additional pupils, and the maximum amount of additional
2 26 weighting for which a school district shall be eligible is an
2 27 amount equivalent to forty additional pupils.

2 28 (3) When noncontiguous school districts seek to share
2 29 operational functions, the school districts shall submit to
2 30 the department at least six months before the next school
2 31 budget year begins a report documenting the expected cost
2 32 savings directly attributable to the anticipated shared
2 33 operational functions between the school districts. The
2 34 department shall determine whether the shared operational plan
2 35 between the noncontiguous districts is approved.

3 1 (4) Receipt of supplementary weighting by a school
3 2 district pursuant to this subsection for more than one year
3 3 shall be contingent upon the annual submission of information
3 4 by the district to the department documenting cost savings
3 5 directly attributable to the shared operational functions.
3 6 Criteria for determining the number of years for which
3 7 supplementary weighting shall be received pursuant to this
3 8 subsection, subject to the five-year maximum, and for
3 9 determining qualification of operational functions for
3 10 supplementary weighting shall be determined by the department
3 11 by rule, through consideration of long-term savings by the
3 12 school district or increased student opportunities.

3 13 Sec. 3. Section 275.1, Code 2009, is amended to read as
3 14 follows:

3 15 275.1 DECLARATION OF POLICY == SURVEYS == DEFINITIONS.

3 16 1. It is the policy of the state to encourage economical
3 17 and efficient school districts which will ensure an equal
3 18 educational opportunity to all children of the state. All
3 19 areas of the state shall be in school districts maintaining
3 20 kindergarten and twelve grades. If a school district ceases
3 21 to maintain kindergarten and twelve grades except as otherwise
3 22 provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1
3 23 or subsections 1 and 3, or section 282.8, it shall reorganize
3 24 within six months or the state board shall attach the school
3 25 district not maintaining kindergarten and twelve grades to one
3 26 or more adjacent districts. ~~Voluntary reorganizations under~~
3 27 ~~this chapter shall be commenced only if the affected school~~
3 28 ~~districts are contiguous or marginally adjacent to one~~
3 29 ~~another.~~ A reorganized district shall meet the requirements
3 30 of section 275.3.

3 31 2. If a district is attached, division of assets and
3 32 liabilities shall be made as provided in sections 275.29 to
3 33 275.31. The area education agency boards shall develop
3 34 detailed studies and surveys of the school districts within
3 35 the area education agency and all adjacent territory for the
4 1 purpose of providing for reorganization of school districts in
4 2 order to effect more economical operation and the attainment
4 3 of higher standards of education in the schools. The plans
4 4 shall be revised periodically to reflect reorganizations which
4 5 may have taken place in the area education agency and adjacent
4 6 territory.

4 7 3. As used in this chapter unless the context otherwise
4 8 requires:

4 9 1- a. "Eligible elector" means eligible elector as
4 10 defined in section 39.3, subsection 6.

4 11 2- b. "Initial board" means the board of a newly
4 12 reorganized district that is selected pursuant to section
4 13 275.25 or 275.41 and functions until the organizational
4 14 meeting following the third regular school election held after
4 15 the effective date of the reorganization.

4 16 3- c. "Marginally adjacent district" or "marginally
4 17 adjacent territory" means a district or territory which is
4 18 separated from a second district or territory by property
4 19 which is part of a third school district which completely
4 20 surrounds one of the two districts.

4 21 4- d. "Registered voter" means registered voter as
4 22 defined in section 39.3, subsection 11.

4 23 5- e. "Regular board" means the board of a reorganized
4 24 district that begins to function at the organizational meeting
4 25 following the third regular school election held after the

4 26 effective date of the school reorganization, and is comprised
4 27 of members who were elected to the current terms or were
4 28 appointed to replace members who were elected.

4 29 ~~6. "School districts affected" means the school districts~~
~~4 30 named in the reorganization petition whether a school district~~
~~4 31 is affected in whole or in part.~~

4 32 Sec. 4. Section 275.11, Code 2009, is amended to read as
4 33 follows:

4 34 275.11 PROPOSALS INVOLVING TWO OR MORE DISTRICTS.

4 35 Subject to the approval of the area education agency board,
5 1 ~~contiguous or marginally adjacent territory located in two or~~
5 2 more school districts may be united into a single district in
5 3 the manner provided in sections 275.12 to 275.22.

5 4 Sec. 5. Section 275.23A, subsection 1, paragraph c, Code
5 5 2009, is amended to read as follows:

5 6 c. All director districts shall be composed of contiguous
5 7 territory as compact as practicable unless the school district
5 8 is composed of marginally adjacent territory. A school
5 9 district which is composed of marginally adjacent territory
5 10 shall have director districts composed of contiguous territory
5 11 to the extent practicable.

5 12 Sec. 6. Section 275.51, unnumbered paragraph 1, Code 2009,
5 13 is amended to read as follows:

5 14 As an alternative to school district reorganization
5 15 prescribed in this chapter, the board of directors of a school
5 16 district may establish a school district dissolution
5 17 commission to prepare a proposal of dissolution of the school
5 18 district and attachment of all of the school district to one
5 19 or more ~~contiguous~~ school districts and to include in the
5 20 proposal a division of the assets and liabilities of the
5 21 dissolving school district. A school district dissolution
5 22 commission shall be established by the board of directors of a
5 23 school district if a dissolution proposal has been prepared by
5 24 eligible electors who reside within the district. The
5 25 proposal must contain the names of the proposed members of the
5 26 commission and be accompanied by a petition which has been
5 27 signed by eligible electors residing in the school district
5 28 equal in number to at least twenty percent of the registered
5 29 voters in the school district.

5 30 Sec. 7. Section 275.52, Code 2009, is amended to read as
5 31 follows:

5 32 275.52 MEETINGS.

5 33 1. The commission shall hold an organizational meeting not
5 34 more than fifteen days after its appointment and shall elect a
5 35 chairperson and vice chairperson from its membership.
6 1 Thereafter the commission may meet as often as deemed
6 2 necessary upon the call of the chairperson or a majority of
6 3 the commission members.

6 4 2. The commission shall request statements from ~~contiguous~~
6 5 school districts outlining each district's willingness to
6 6 accept attachments of the affected school district to the
6 7 ~~contiguous~~ districts and what conditions, if any, the
6 8 ~~contiguous~~ school district recommends. The commission shall
6 9 meet with boards of ~~contiguous~~ the school districts and with
6 10 residents of the affected school district to the extent
6 11 possible in drawing up the dissolution proposal. The
6 12 commission may seek assistance from the area education agency
6 13 and the department of education.

6 14 Sec. 8. Section 275.54, unnumbered paragraph 1, Code 2009,
6 15 is amended to read as follows:

6 16 Within ten days following the filing of the dissolution
6 17 proposal with the board, the board shall fix a date for a
6 18 hearing on the proposal which shall not be more than sixty
6 19 days after the dissolution petition was filed with the board.
6 20 The board shall publish notice of the date, time, and location
6 21 of the hearing at least ten days prior to the date of the
6 22 hearing by one publication in a newspaper in general
6 23 circulation in the district. The notice shall include the
6 24 content of the dissolution proposal. A person residing or
6 25 owning land in the school district may present evidence and
6 26 arguments at the hearing. The president of the board shall
6 27 preside at the hearing. The board shall review testimony from
6 28 the hearing and shall adopt or amend and adopt the dissolution
6 29 proposal. The board shall notify by registered mail the
6 30 boards of directors of all school districts to which area of
6 31 the affected school district will be attached and the director
6 32 of the department of education of the contents of the
6 33 dissolution proposal adopted by the board. If the board of a
6 34 district to which area of the affected school district will be
6 35 attached objects to the attachment, that portion of the
7 1 dissolution proposal will not be included in the proposal

7 2 voted upon under section 275.55 and the director of the
7 3 department of education shall attach the area to a ~~contiguous~~
7 4 ~~different~~ school district. If the board of a district to
7 5 which area of the affected school district will be attached
7 6 objects to the division of assets and liabilities contained in
7 7 the dissolution proposal, section 275.30 applies for the
7 8 division of assets and liabilities to that district.

7 9 Sec. 9. Section 275.55, subsection 1, Code 2009, is
7 10 amended to read as follows:

7 11 1. After the final hearing on the dissolution proposal,
7 12 the board of the school district shall submit the proposition
7 13 to the voters at an election held on a date specified in
7 14 section 39.2, subsection 4, paragraph "c". The proposition
7 15 submitted to the voters residing in the school district shall
7 16 describe each separate area to be attached to a ~~contiguous~~
7 17 ~~another~~ school district and shall name the school district to
7 18 which it will be attached. In addition to the description, a
7 19 map may be included in the summary of the question on the
7 20 ballot.

7 21 Sec. 10. Section 275.56, Code 2009, is amended to read as
7 22 follows:

7 23 275.56 INCREASING ENROLLMENT.

7 24 If the enrollment of a school district increases or is
7 25 expected to increase because ~~an adjacent~~ ~~another~~ district has
7 26 dissolved or is expected to dissolve, the board of directors
7 27 of the school district shall determine whether there is a need
7 28 to hire additional licensed or unlicensed employees. If the
7 29 board of directors determines that there is a need to hire
7 30 additional employees, the board shall determine the nature and
7 31 number of the necessary new positions. Individuals who were
7 32 employees of the dissolved district may apply for the new
7 33 positions. The board shall hire those applicants who were
7 34 employees of the dissolved district whenever the applicant is
7 35 licensed for the new position or, in the case of unlicensed
8 1 personnel, is otherwise qualified. If two employees of the
8 2 dissolved district apply for a single licensed position, the
8 3 applicant who is best qualified in the opinion of the board
8 4 shall be hired. The board is not required to hire applicants
8 5 who were employees of the dissolved district if the district
8 6 has been dissolved for one or more school years. Applicants
8 7 who are re-employed under this section shall maintain in the
8 8 re-employing district vacation, salary or alternatively
8 9 placement on a salary schedule based on the employee's years
8 10 of experience, sick leave, and completion of probationary
8 11 status as defined by section 279.19.

8 12 Sec. 11. Section 280.19A, unnumbered paragraph 1, Code
8 13 2009, is amended to read as follows:

8 14 By January 15, 1995, each school district shall adopt a
8 15 plan to provide alternative options education programs to
8 16 students who are either at risk of dropping out or have
8 17 dropped out. An alternative options education program may be
8 18 provided in a district, through a sharing agreement with a
8 19 school in a ~~contiguous~~ ~~another~~ district, or through an
8 20 areawide program available at the community college serving
8 21 the merged area in which the school district is located. Each
8 22 area education agency shall provide assistance in establishing
8 23 a plan to provide alternative education options to students
8 24 attending a public school in a district served by the agency.

8 25 Sec. 12. Section 282.7, subsection 1, Code 2009, is
8 26 amended to read as follows:

8 27 1. The board of directors of a school district by record
8 28 action may discontinue any or all of grades seven through
8 29 twelve and negotiate an agreement for attendance of the pupils
8 30 enrolled in those grades in the schools of one or more
8 31 ~~contiguous~~ school districts having accredited school systems.
8 32 If the board designates more than one ~~contiguous~~ district for
8 33 attendance of its pupils, the board shall draw boundary lines
8 34 within the school district for determining the school
8 35 districts of attendance of the pupils. ~~The portion of a~~

~~9 1 district so designated shall be contiguous to the accredited~~
~~9 2 school district designated for attendance.~~ Only entire grades
9 3 may be discontinued under this subsection and if a grade is
9 4 discontinued, all higher grades in that district shall also be
9 5 discontinued. A school district that has discontinued one or
9 6 more grades under this subsection has complied with the
9 7 requirements of section 275.1 relating to the maintenance of
9 8 kindergarten and twelve grades. A pupil who graduates from
9 9 another school district under this subsection shall receive a
9 10 diploma from the receiving district. The boards of directors
9 11 entering into an agreement under this section shall provide
9 12 for sharing the costs and expenses as provided in sections

9 13 282.10 through 282.12. The agreement shall provide for
9 14 transportation and authority and liability of the affected
9 15 boards.

9 16 Sec. 13. Section 282.11, Code 2009, is amended to read as
9 17 follows:

9 18 282.11 PROCEDURE.

9 19 1. Not less than ninety days prior to signing a whole
9 20 grade sharing agreement whereby all or a substantial portion
9 21 of the pupils in a grade in the district will attend school in
9 22 another district, the board of directors of each school
9 23 district that is negotiating, extending, or renewing a sharing
9 24 agreement, shall publicly announce its intent to negotiate a
9 25 sharing agreement under section 21.4, subsection 1. Within
9 26 thirty days of the board's public notice, a petition may be
9 27 filed with the department of education requesting that a
9 28 feasibility study be completed. The petition shall be signed
9 29 by twenty percent of the eligible electors in the district.
9 30 The director of the department of education may determine that
9 31 a feasibility study conducted by the board satisfies the
9 32 request, provided that the study conforms with the criteria
9 33 contained in section 256.9.

9 34 2. Not less than thirty days prior to signing a whole
9 35 grade sharing agreement whereby all or a substantial portion
10 1 of the pupils in a grade in the district will attend school in
10 2 another district, the board of directors of each school
10 3 district that is a party to a proposed sharing agreement shall
10 4 hold a public hearing at which the proposed agreement is
10 5 described, and at which the parent or guardian of an affected
10 6 pupil and certificated employees of the school district shall
10 7 have an opportunity to comment on the proposed agreement.
10 8 Within the thirty-day period prior to the signing of the
10 9 agreement, the parent or guardian of an affected pupil may
10 10 request the board of directors to send the pupil to another
10 11 ~~contiguous~~ school district. For the purposes of this section,
10 12 "affected pupils" are those who under the whole grade sharing
10 13 agreement are attending or scheduled to attend the school
10 14 district specified in the agreement, other than the district
10 15 of residence, during the term of the agreement. The request
10 16 shall be based upon one of the following:

10 17 ~~1. a.~~ That the agreement will not meet the educational
10 18 program needs of the pupil.

10 19 ~~2. b.~~ That adequate consideration was not given to
10 20 geographical factors.

10 21 3. The board shall allow or disallow the request prior to
10 22 the signing of the agreement, or the request shall be deemed
10 23 granted. If the board disallows the request, the board shall
10 24 indicate the reasons why the request is disallowed and shall
10 25 notify the parent or guardian that the decision of the board
10 26 may be appealed as provided in this section.

10 27 4. If the board disallows the request of a parent or
10 28 guardian of an affected pupil, the parent or guardian, not
10 29 later than March 1, may appeal the sending of that pupil to
10 30 the school district specified in the agreement, to the state
10 31 board of education. The basis for the appeal shall be the
10 32 same as the basis for the request to the board. An appeal
10 33 shall specify a ~~contiguous~~ school district to which the parent
10 34 or guardian wishes to send the affected pupil. If the parent
10 35 or guardian appeals, the standard of review of the appeal is a
11 1 preponderance of evidence that the parent's or guardian's
11 2 hardship outweighs the benefits and integrity of the sharing
11 3 agreement. The state board may require the district of
11 4 residence to pay tuition to the ~~contiguous~~ school district
11 5 specified by the parent or guardian, or may deny the appeal by
11 6 the parent or guardian. If the state board requires the
11 7 district of residence to pay tuition to the ~~contiguous~~ school
11 8 district specified by the parent or guardian, the tuition
11 9 shall be equal to the tuition established in the sharing
11 10 agreement. The decision of the state board is binding on the
11 11 boards of directors of the school districts affected, except
11 12 that the decision of the state board may be appealed by either
11 13 party to the district court.

11 14 Sec. 14. Section 282.18, subsection 13, Code 2009, is
11 15 amended to read as follows:

11 16 13. A pupil who participates in open enrollment for
11 17 purposes of attending a grade in grades nine through twelve in
11 18 a school district other than the district of residence is
11 19 ineligible to participate in varsity interscholastic athletic
11 20 contests and athletic competitions during the pupil's first
11 21 ninety school days of enrollment in the district except that
11 22 the pupil may participate immediately in a varsity
11 23 interscholastic sport if the pupil is entering grade nine for

11 24 the first time and did not participate in an interscholastic
11 25 athletic competition for another school or school district
11 26 during the summer immediately following eighth grade, if the
11 27 district of residence and the other school district jointly
11 28 participate in the sport, if the sport in which the pupil
11 29 wishes to participate is not offered in the district of
11 30 residence, if the pupil chooses to use open enrollment to
11 31 attend school in another school district because the district
11 32 in which the student previously attended school was dissolved
11 33 and merged with one or more ~~contiguous~~ school districts under
11 34 section 256.11, subsection 12, if the pupil participates in
11 35 open enrollment because the pupil's district of residence has
12 1 entered into a whole grade sharing agreement with another
12 2 district for the pupil's grade, or if the parent or guardian
12 3 of the pupil participating in open enrollment is an active
12 4 member of the armed forces and resides in permanent housing on
12 5 government property provided by a branch of the armed
12 6 services. A pupil who has paid tuition and attended school,
12 7 or has attended school pursuant to a mutual agreement between
12 8 the two districts, in a district other than the pupil's
12 9 district of residence for at least one school year is also
12 10 eligible to participate immediately in interscholastic
12 11 athletic contests and athletic competitions under this
12 12 section, but only as a member of a team from the district that
12 13 pupil had attended. For purposes of this subsection, "school
12 14 days of enrollment" does not include enrollment in summer
12 15 school. For purposes of this subsection, "varsity" means the
12 16 same as defined in section 256.46.
12 17 Sec. 15. Section 321.194, subsection 1, paragraph b,
12 18 subparagraph (2), Code 2009, is amended to read as follows:
12 19 (2) A district which is ~~contiguous to~~ not the district of
12 20 residence of the parent or guardian of the student, if the
12 21 student is enrolled in the public school which is not the
12 22 school district of residence because of open enrollment under
12 23 section 282.18 or as a result of an election by the student's
12 24 district of residence to enter into one or more sharing
12 25 agreements pursuant to the procedures in chapter 282.
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