

TO: MEMBERS OF THE IOWA LEGISLATIVE COUNCIL

FROM: GARY L. KAUFMAN *GLK*
Legal Counsel

RE: SCHOOL DIRECTOR DISTRICT REDISTRICTING

June 12, 1984

In 1983 the 70th General Assembly passed Senate File 485, which required school districts which elect directors from director districts or subdistricts to redistrict themselves by May 30, 1984. The main substantive provisions of the bill can be found in section 275.23A, Code Supplement 1983, a copy of which is attached. There are three standards which have been placed on the school districts by the legislature:

1. The director districts are to be nearly equal as practicable to the ideal population for the districts.
2. The director districts are to be composed of contiguous territory.
3. The director districts are to be as compact as practicable.

In addition the legislation requires that the director districts' population statistics be based on the most recent federal decennial census. If a school district's board fails to make the required changes in redrawing their director districts, the state commissioner of elections is required to make or cause to be made the necessary changes and shall assess any expenses incurred to the school district. If more than one incumbent director reside in the same redrawn director district, and their terms extend beyond the board meeting following the next regular school election, their terms of office are shortened and they must seek reelection to remain on the board.

Under the legislation, the state commissioner of elections may and has asked the Legislative Service Bureau for assistance in making required boundary changes. Louise Whitcome of the Secretary of State's office has initially reviewed all of the

school district's plans and in cases where she has found that the plan seems questionable she has sent the plans to me to review. A listing of these school districts is attached to this report.

The most important parameter in redistricting is the population equality. The "nearly equal as practicable" standard selected by the legislature has been interpreted in a long line of court decisions. In reviewing these decisions, I have come to the same conclusions as my predecessor, the late Phil Burks, in that the cases seem to require that a plan be subjected to stricter scrutiny if the largest district exceeds the smallest district by more than 10 percent:

"If a state enacts or adopts a plan with an overall population range of more than 10 percent . . . it appears likely that the state will have the burden of showing both that the over 10 percent range is necessary to implement a rational state policy and that it does not dilute or take away the voting strength of any particular group of citizens." Philip E. Burks, David A. Epstein, and Samuel A. Alito, Federal Case Law: State Legislative and Congressional Districting, in Reapportionment: Law and Technology 16 (1980).

The courts differentiate the term "practicable" from "practical" in that redistricting requires population equality as equal as practicable, not what is politically practical. About the only justification for population deviation that has been allowed by the courts is the preservation of the integrity of political subdivisions and the following of natural boundaries when redrawing districts. But even in these cases, if the inequality falls much greater than 10 percent, the standard of population equality wins out over the political subdivision boundary. Attached to the report I have a listing of the few school districts which seem to fall into this classification, i.e. preserving political subdivision boundaries or following natural boundaries as a justification for larger population deviations. Such plans by schools which have been approved are plans which are close to the 10 percent deviation and which show marked population equality improvement over previous plans.

For the most part, school districts have been cooperating well. When they have attempted to redistrict they have greatly improved their population equality. Eddyville School District went from having the largest district exceeding the smallest district by 650 percent to only 2.68 percent!. Little Rock Community School District went from a 690.32 percent deviation to a 2.78 percent deviation. So if a school district puts forth a good-faith effort at achieving population equality, I don't think they will have trouble meeting the redistricting standards. Each case has to be reviewed on an individual basis, and each has its own peculiarities.

I have brought this to your attention as you might be hearing from some of your school districts which haven't had thier plans approved by the state commissioner of elections.

275.23A Redistricting following federal decennial census.

1. School districts which have directors who represent director districts as provided in section 275.12, subsection 2, paragraphs *b* through *e*, shall be divided into director districts on the basis of population as determined from the most recent federal decennial census. The director districts shall be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of director districts to be established into the population of the school district. The director districts shall be composed of contiguous territory as compact as practicable.

2. If following a federal decennial census a school district fails to meet population equality requirements, the board of directors of the school district shall adopt a resolution redrawing the director districts not earlier than November 15 of the year immediately following the year in which the federal decennial census is taken nor later than May 30 of the second year immediately following the year in which the federal decennial census is taken. A copy of the adopted plan shall be filed with the area education agency administrator of the area education agency in which the school's electors reside.

3. The school board shall notify the state commissioner of elections and the county commissioner of elections of each county in which a portion of the school district is located whenever the boundaries of director districts are changed. The board shall provide the commissioners with maps showing the new boundaries. If, following a federal decennial census a school district elects not to redraw director districts under this section, the school board shall so certify to the state commissioner of elections, and the school board shall also certify to the state commissioner the populations of the retained director districts as determined under the latest federal decennial census. Upon failure of a district board to make the required changes by the dates established under this section, the state commissioner of elections shall make or cause to be made the necessary changes as soon as possible, and shall assess any expenses incurred to the school district. The state commissioner may request the services of personnel and materials available to the legislative service bureau to assist the commissioner in making any required boundary changes.

4. If more than one incumbent director, whose term extends beyond the organizational meeting of the board of directors after the regular school election following the adoption of the redrawn districts, reside in a redrawn director district, the terms of office of the affected directors expire at the organizational meeting of the board of directors following the next regular school election.

5. The boundary changes under this section take effect July 1 following their adoption for the next regular school election.

6. Section 275.9 and sections 275.14 through 275.23 do not apply to changes in director district boundaries made under this section.

(83 Acts, ch 77, § 3, 4) SF 485

School boards not in compliance with this section must redraw director districts by May 30, 1984

NEW section

SCH.	NAME	HIGH DEVIATION	LOW DEVIATION	AVERAGE DEVIATION	H-L RATIO	COMMENTS
	ANITA COMMUNITY	3.51	3.51	3.51	1.0729	Y Approved 3-14-84
	B-G-M	114.96	44.02	45.98	3.8397	N Brooklyn-Guernsey-Malcom rejected 3-25-84
	BALLARD COMMUNITY	3.45	5.71	3.82	1.0971	Y Rejected 3-15-84, defended 3-21-84, approved 5-17-84 Division based on county lines and natural boundaries (highway)
	BEDFORD COMMUNITY	7.43	4.33	4.08	1.1229	N Rejected 5-2-84, not contiguous Resubmitted old plan with change but still same pop. tie?
	BEDFORD LSB Revision	7.43	5.20	3.54	1.1332	N Submitted 5-2-84 best plan from population blocks submitted
	C & M COMMUNITY	5.93	8.43	4.65	1.1588	N Rejected 5-7-84, needs more data
	CARLISLE COMMUNITY	137.16	69.47	68.58	7.7673	N Rejected 5-10-84, school indicated it would redistrict
	CENTRAL DECATUR COMMUNITY	5.05	13.35	5.43	1.2154	N Rejected 5-7-84, slight changes necessary to comply
	CENTRAL DECATUR 2	4.98	3.85	1.95	1.0918	Y Approved 5-18-84
	CHARTER OAK-UTE COMMUNITY	0.00	0.00	0.00	1.0000	Y Approved 5-2-84 achieved absolute population equality!
	CLARENCE-LOWDEN COMMUNITY	8.95	17.63	8.88	1.3227	N Rejected 5-7-84, slight changes necessary to comply
	CLARENCE-LOWDEN PLAN A	7.30	8.26	5.58	1.1697	N Rejected 5-16-84, slight changes still necessary
	CLARKE COMMUNITY	16.28	16.34	10.87	1.3899	N Rejected 6-5-84
	CLEAR CREEK COMMUNITY	56.74	66.11	50.90	4.6254	N Rejected 5-10-84, school indicated is working on revision
	CLEAR CREEK 2	8.59	4.29	4.32	1.1346	N Rejected 6-7-84 need clarification-political sub justification?
	DAVIS COUNTY COMMUNITY	33.41	8.74	9.56	1.4619	N Rejected 5-7-84, school admitted need to resubmit
	DAVIS COUNTY PLAN 2	5.51	9.90	4.72	1.1711	N Rejected 5-21-84, slight changes needed.
	DEEP RIVER-MILLERSBURG	2.22	2.22	2.22	1.0453	Y Accepted 6-5-84
	DECORAH COMMUNITY	4.28	8.53	5.70	1.1401	Y Accepted 5-21-84, scheme based on city v. rural Improved from 584.16 percent deviation. Good-faith effort.
	DYSART-GENESCO COMMUNITY	4.40	3.97	3.83	1.0871	Y Approved 5-7-84
	EAST BUCHANAN COMMUNITY	51.82	60.86	40.54	3.8794	N Rejected 5-7-84, school opposes all change
	EDDYVILLE COMMUNITY	164.88	64.68	48.64	7.5000	N Rejected 5-5-84
	EDDYVILLE 2	1.22	1.42	0.61	1.0268	Y Approved 6-6-84 reduced deviation by 99.59%!!
	EDGEWOOD-COLESBURG	3.64	3.70	3.67	1.0762	Y Approved 5-5-84
	ELK HORN-KIMBALLTON	0.00	0.00	0.00	1.0000	Y Approved 6-5-84 old plan had 281.51 percent deviation!
	EVERLY COMMUNITY	14.17	7.22	6.94	1.2305	N Rejected 5-7-84
	EVERLY 2	2.17	3.25	1.96	1.0560	Y Approved 6-6-84 reduced deviation by 75.70 percent.
	FREEMONT MILLS COMMUNITY	26.97	25.59	16.38	1.7063	N Rejected 5-7-84
	FREEMONT-MILLS 2	1.30	0.75	0.72	1.0209	Y Approved 6-6-84 reduced deviation by 97.04 percent!
	GLENWOOD COMMUNITY	160.47	77.51	80.21	11.5795	N Rejected 5-5-84 But never sent as revised version received
	GLENWOOD PLAN B	8.24	5.32	4.10	1.1432	Y Accepted 5-21-84. Bad districts divided along township. Improved from 1057.95 percent deviation. Good-faith effort.
	GRAND COMMUNITY	47.51	25.79	24.34	1.9878	N Rejected 5-8-84
	GRINNELL-NEWBURG COMMUNITY	13.53	12.86	6.83	1.3028	N Rejected 5-8-84
	GRINNELL-NEWBURG 2	0.51	0.81	0.41	1.0133	Y Accepted 6-6-84 reduced deviation by 95.61 percent!
	HAMBURG COMMUNITY	3.19	3.64	1.82	1.0709	Y Accepted 5-18-84
	HARTLEY-MELVIN COMMUNITY	17.45	15.66	13.38	1.3925	N Rejected 5-21-84
	HOWARD-WINNESHIEK	1.93	2.63	1.86	1.0468	Y Accepted 5-23-84
	LE MARS COMMUNITY	10.47	14.85	11.78	1.2973	N Rejected 5-21-84
	LITTLE ROCK COMMUNITY	127.91	71.16	51.16	7.9032	N Rejected 5-8-84
	LITTLE ROCK 2	1.37	1.37	0.82	1.0278	Y Accepted 6-6-84 reduced deviation by 99.60 percent!
	MAQUOKETA VALLEY COMMUNITY	8.97	8.66	5.65	1.1931	N Rejected 5-8-84, slight changes necessary to comply
	MAQUOKETA VALLEY PLAN 2	0.21	0.21	0.12	1.0041	Y Accepted 5-21-84
	MARTENSDALE-ST. MARYS	18.28	8.81	8.06	1.2971	N Rejected 5-10-84, slight changes should improve statistics
	MARTENSDALE-ST. MARYS 2	1.76	2.86	1.15	1.0476	Y Approved 6-6-84 reduced deviation by 83.98 percent.
	MAURICE-ORANGE CITY	4.40	7.26	3.43	1.1259	N Rejected 5-10-84, slight changes should improve statistics
	MAURICE-ORANGE CITY PLAN-A	15.78	27.11	17.83	1.5806	N Rejected 5-10-84, is alternative plan should voters accept
	MIDLAND COMMUNITY	12.32	5.12	6.12	1.1838	N Rejected 6-5-84, city boundary bad district, slight changes
	MONTICELLO COMMUNITY	11.48	11.42	11.45	1.2590	N Rejected 5-21-84
	NISHNA VALLEY COMMUNITY	12.61	7.56	5.10	1.2182	N Rejected 6-7-84 possibly not contiguous, slight changes Prior plan had 236.16 percent deviation.
	NEW MARKET COMMUNITY	27.96	12.19	11.18	1.4571	N Rejected 5-21-84
	NORTH-LINN COMMUNITY	5.28	7.46	4.97	1.1377	N Rejected 5-10-84, slight changes should improve statistics
	OELWEIN COMMUNITY	78.00	65.95	62.37	5.2270	N Rejected 5-10-84, district seems to resist any changes
	OSKALOUSA COMMUNITY	4.88	7.12	3.67	1.1292	Y Approved 5-21-84. Ward and township boundaries used. Improved from 433.89 percent deviation. Good-faith effort.
	POSTVILLE COMMUNITY	70.13	33.79	35.09	2.5697	N Rejected 5-10-84, one district not contiguous
	POSTVILLE 2	13.33	9.68	2.81	1.2547	N Rejected 5-18-84, slight change in city necessary

PRESCOTT COMMUNITY	1.67	2.78	2.00	1.0457	Y	Accepted	6-5-84
ROLFE COMMUNITY	189.45	63.27	75.78	7.8812	N	Rejected	5-10-84
SHELDON COMMUNITY	15.35	11.17	10.22	1.2985	N	Rejected	5-10-84, slight changes necessary
SHELDON PLAN 2	4.37	4.14	2.90	1.0889	Y	Accepted	5-21-84
SIDNEY COMMUNITY	45.30	46.83	32.30	2.7325	N	Rejected	5-10-84
SIOUX VALLEY COMMUNITY	17.85	10.77	7.14	1.3208	N	Rejected	6-7-84
STARMONT COMMUNITY	4.94	4.12	3.31	1.0944	Y	Accepted	5-10-84, township boundaries used, small deviations
STUART-MENLO COMMUNITY	16.07	10.03	8.46	1.2901	N	Rejected	5-11-84
STUART-MENLO 2	2.51	1.81	0.97	1.0440	Y	Approved	6-6-84 reduced deviation by 84.83 percent
VALLEY COMMUNITY	5.41	6.84	4.42	1.1314	N	Rejected	5-21-84, slight changes should improve
WASHINGTON COMMUNITY	50.38	29.36	19.85	2.1288	N	Rejected	5-11-84, one district in three pieces-not contiguous
WASHINGTON PLAN 2	0.90	1.03	0.39	1.0195	Y	Accepted	5-24-84 Deviation reduced by over 98 percent!
WEST LYON COMMUNITY	9.96	9.18	7.21	1.2107	N	Rejected	5-11-84, slight changes should improve statistics
WEST LYON 2	4.65	2.10	1.86	1.0689	Y	Approved	6-6-84 reduced deviation by 67.30 percent
WINTERSET COMMUNITY	9.90	9.90	9.90	1.2197	N	Rejected	5-21-84

SCH	NAME	HIGH DEVIATION	LOW DEVIATION	AVERAGE DEVIATION	H-L RATIO	COMMENTS
BAILLARD	COMMUNITY	3.45	5.71	3.82	1.0971	Y Rejected 3-15-84, defended 3-21-84, accepted 5-17-84
CLEAR CREEK	2	8.59	4.29	4.32	1.1346	N Division based on county line plus natural boundaries (highway) Rejected 6--7-84 sought clarification if justification based on political subdivision boundaries is present--sent poor qual map
DAVIS COUNTY	PLAN 2	5.51	9.90	4.72	1.1711	N Rejected 5-21-84. Township lines. But too great, slight ch nec
DECORAH	COMMUNITY	4.28	8.53	5.70	1.1401	Y Approved 5-21-84. Scheme based on city v. rural division. Improved from 584.16 percent deviation. Good-faith effort.
GLENWOOD	PLAN B	8.24	5.32	4.10	1.1432	Y Approved 5-21-84. Two bad districts divided along township. Improved from 1057.98 percent deviation. Good-faith effort.
HARTLEY-MELVIN	COMMUNITY	17.45	15.66	13.38	1.3925	N Rejected 5-21-84
LE MARS	COMMUNITY	10.47	14.95	11.78	1.2973	N Rejected 5-21-84
MIDLAND	COMMUNITY	12.32	5.12	6.12	1.1838	N Rejected 6-5-84 city 1, rest evenly divided, but too great. Slight changes necessary. Improved from 90% deviation.
MONTICELLO	COMMUNITY	11.48	11.42	11.45	1.2590	N Rejected 5-21-84
OSKALOUSA	COMMUNITY	4.88	7.12	3.67	1.1292	Y Approved 5-21-84. Division on ward and township boundaries. Improved from 433.89 percent deviation. Good-faith effort.
WINTERSLET	COMMUNITY	9.90	9.90	9.90	1.2197	N Rejected 5-21-84