

3 Sec. 7848), be amended by adding thereto the following:

4 "And when the names of any persons interested in such real estate
5 are unknown to the administrator he may file an affidavit setting
6 forth the names of the persons interested so far as known and that
7 the names of all other persons interested are unknown. Upon the
8 filing of such affidavit the court may fix a time for hearing upon
9 the application to sell and prescribe that notice thereof be given by
10 publication once each week for four consecutive weeks in a news-
11 paper designated by the court. Such notice shall be addressed to
12 the persons named in such affidavit and to the unknown heirs of
13 decedent, and service shall be complete upon the last publication."

1 SEC. 2. **Publication clause.** That this act being deemed of im-
2 mediate importance shall take effect from and after its publication in
3 the Des Moines Register and Daily Capital, newspapers published at
4 Des Moines, Iowa.

Approved April 9, A. D. 1921.

I hereby certify that the foregoing act was published in the Des Moines Register
April 14, 1921, and in the Des Moines Capital April 15, 1921.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 175

SCHOOLS AND SCHOOL DISTRICTS

S. F. 464.

AN ACT to repeal the law as it appears in section two thousand seven hundred ninety-four-a (2794-a), except sub-division b supplemental supplement to the code, 1915, as amended by chapter four hundred thirty-two (432) of the acts of the thirty-seventh general assembly and chapters one hundred sixteen (116) and one hundred forty-nine (149) of the acts of the thirty-eighth general assembly (compiled code Sec. 2524), relating to school corporations.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Partial repeal.** That section two thousand seven hun-
2 dred ninety-four-a (2794-a), supplemental supplement to the code,
3 1915, as amended by chapter four hundred thirty-two (432) of the
4 acts of the thirty-seventh general assembly and chapters one hun-
5 dred sixteen (116) and one hundred forty-nine (149) of the acts
6 of the thirty-eighth general assembly (compiled code Sec. 2524), is
7 hereby repealed, except subdivision ("b") of section 2794-a, supple-
8 mental supplement to the code 1915, as amended, and the following
9 enacted in lieu thereof:

1 SEC. 2. **Consolidated corporations—requirements.** Consolidated
2 school corporations containing an area of not less than sixteen gov-
3 ernment sections of contiguous territory in one or more counties
4 may be organized for the purpose of maintaining a central school,
5 and existing corporations organized for that purpose may be dis-
6 solved in the manner hereinafter provided. All consolidated school
7 corporations in process of establishment or organization at the time

8 this act takes effect, may complete their organization under the law
9 in force immediately prior to the taking effect of this act.

1 **SEC. 3. Petition—filing.** A petition describing the boundaries
2 of the territory and asking for the establishment of boundaries for a
3 proposed school corporation, signed by one-third of the voters resid-
4 ing within the limits of the territory described shall be filed with
5 the county superintendent of the county in which the greater num-
6 ber of the qualified electors reside.

1 **SEC. 4. Affidavit—presumption.** Such petition shall be accom-
2 panied by an affidavit showing the number of qualified electors liv-
3 ing in the territory described in the petition and signed by a qualified
4 elector residing in said territory, and if parts of the territory describ-
5 ed in the petition are situated in different counties, the affidavit shall
6 show separately as to each county, the number of qualified electors in
7 the part of the county thereof included in the territory described.
8 The affidavit shall be taken as true unless objections to it are filed
9 on or before the time fixed for filing objections as provided in the
10 following section.

1 **SEC. 5. Objections—notice—filing.** Within ten days after the
2 petition is filed, the county superintendent shall fix a final date
3 for filing objections to the petition in the office of the county super-
4 intendent, and give public notice for at least ten days, by one pub-
5 lication in a newspaper published within the territory described in
6 the petition; or if none be published therein, in the next nearest
7 town or city in any county in which any part of the territory de-
8 scribed in the petition is situated. Objections shall be in writing in
9 the form of an affidavit and may be made by any person residing or
10 owning land within the territory described in the petition, or who
11 would be injuriously affected by the formation of such new corpora-
12 tion, and shall be on file not later than twelve o'clock noon of the final
13 day fixed for filing objections.

1 **SEC. 6. Hearing—order and publication thereof.** On the final
2 date fixed for filing objections, interested parties may present evi-
3 dence and arguments, and the county superintendent shall review
4 the matter on its merits and within five days after the conclusion of
5 any hearing, shall rule on the objections and shall enter an order
6 fixing such boundaries for a proposed school corporation as will in
7 his judgment be for the best interests of all parties concerned, hav-
8 ing due regard for the welfare of adjoining districts; or dismiss the
9 petition. The county superintendent shall at once publish this order,
10 in the same newspaper in which the original notice was published.

1 **SEC. 7. Appeal—notice—time of hearing—filing original pa-**
2 **pers and order.** Within ten days after the publication of such or-
3 der, any petitioner, objector or any other person living or owning
4 land within the territory described in the petition may ask for a
5 hearing before the county board of education by serving written no-
6 tice on the county superintendent. Within five days after the time
7 for asking for a hearing before the county board of education has
8 expired, the county superintendent shall file with the county board
9 of education all the original papers together with his decision and fix
a time and place for said hearing and give notice to each applicant

10 by registered letter. If more than one person has signed the same
11 application for a hearing before the county board, notice to the first
12 three persons whose names appear on the application shall be deemed
13 notice to all. The time fixed for such hearing shall not be less than
14 five nor more than ten days after the time for asking for said hear-
15 ing has expired.

1 **SEC. 8. When territory wholly within one county—order.** If
2 the territory described in the petition for the proposed corporation
3 lies wholly in one county, the county board of education of the said
4 county shall hear the said objections at the time and place fixed by
5 the county superintendent and within five days after submission
6 thereof shall determine and fix such boundaries for the proposed
7 school corporation as in its judgment will be for the best interests
8 of all concerned, without regard to existing district lines, or dis-
9 miss the petition, which shall be final.

1 **SEC. 9. When territory within different counties—order.** If
2 the territory described in the petition for the proposed corporation
3 lies in more than one county, the county superintendent with whom
4 the petition is filed shall fix the time and place and call a joint meet-
5 ing of the members of all the county boards of education of the
6 counties in which any territory of the proposed school corporation
7 lies, to act as a single board for a hearing of the said objections, and
8 a majority of all the members of the county boards of education of
9 the different counties in which any part of the proposed corporation
10 lies, shall constitute a quorum and it shall determine and fix bound-
11 aries for the proposed corporation as provided in section eight (8),
12 or dismiss the petition, which shall be final.

1 **SEC. 10. Disqualifications.** No member of a county board of
2 education who lives or owns land within the territory described in
3 the petition, or who lives or owns land within a school corporation
4 a part of which is included in the petition, or who has filed objection
5 to the establishment of a new school corporation, shall take any part
6 in determining any matter which may come before the county board
7 of a joint meeting for hearing.

1 **SEC. 11 Elections—notice—time of election.** When the bound-
2 aries of the territory to be included in a proposed school corporation
3 have been determined as herein provided, the county superintendent
4 with whom such petition is filed shall call a special election in such
5 proposed school corporation within thirty (30) days from the date
6 of the final determination of said boundaries, by giving notice by
7 one publication in the same newspaper as previous notices concern-
8 ing it have been published, which publication shall be not less than
9 five nor more than ten days prior to the election. No notice for an
10 election shall be published until the time for appeal has expired; and,
11 in the event of an appeal, not until the same has been disposed of.

1 **SEC. 12. Judges of election—qualifications—vacancies.** The
2 county superintendent shall appoint the judges for such election and
3 such judges shall be qualified electors of the territory of the pro-
4 posed school corporation as determined by the county superintendent
5 or board of education, and they shall serve without pay. If any judge

6 fails to appear at the proper time, his place shall be filled by the
7 judge or judges present.

1 SEC. 13. **Separate vote.** When it is proposed to include in such
2 district a school corporation containing a city, town or village with
3 a population of two hundred or more inhabitants, the voters residing
4 upon the territory outside the limits of such school corporation shall
5 vote separately upon the proposition to create such new corporation.

1 SEC. 14. **Separate vote.** When it is proposed to include in such
2 district a school corporation which contains an area of more than
3 sixteen sections and which maintains a central school, the voters re-
4 siding in the territory within the limits of said school corporation
5 shall vote separately upon the proposition to create such new district.

1 SEC. 15. **Separate ballot boxes.** The judges of election shall
2 provide separate ballot boxes in which shall be deposited the votes
3 cast by the qualified electors from their respective territories.

1 SEC. 16. **Count and return—majority required under separate**
2 **vote.** The judges of election shall count the ballots, make return to
3 and deposit the ballots with the county superintendent, who shall
4 enter the return of record in his office. If the majority of the votes
5 cast by the qualified electors are in favor of the proposition, a new
6 school corporation shall be organized, except that in cases where
7 separate ballot boxes are required by law, a majority of the votes
8 cast by the qualified electors from their respective territories shall
9 be required.

1 SEC. 17. **Contests.** An election to establish a new school cor-
2 poration may be contested in the manner provided by law for con-
3 testing other elections, so far as practicable.

1 SEC. 18. **Election in re directors—return—notification—date of**
2 **organization.** If the proposition to establish a new corporation car-
3 ries, a special meeting shall be called by the county superintendent,
4 by giving notice by one publication in the same newspaper in which
5 the former notices were published, and he shall appoint judges, who
6 shall serve without pay. At such election, two directors shall be elec-
7 ted to serve until the next annual meeting, two until the second, and
8 one until the third annual meeting thereafter, and until such time as
9 their successors are elected and qualified. The judges of election
10 shall make return to the county superintendent, who shall enter the
11 return of record in his office and notify the persons who are elected
12 directors and shall set the date for the organization of the school
board.

1 SEC. 19. **Expenses—certification and payment** The county su-
2 perintendent shall certify to the board of supervisors all expenses
3 incurred by him and the board of education in connection with the
4 proceedings in organizing the district, including the election of the
5 first board of directors, and this board of supervisors shall audit and
6 order the same to be paid from the general fund of the county.

1 SEC. 20. **Prohibited reduction—size of remaining corporation.**
2 A school corporation organized under this section, maintaining an
approved central school, shall not be reduced to less than sixteen gov-

3 ernment sections, unless dissolved as provided by law. No remain-
4 ing portion of any school corporation from which territory is taken
5 to form a new district shall contain an area of less than four gov-
6 ernment sections and shall be so situated as to form a suitable cor-
7 poration.

1 **SEC. 21. Reorganization of outside territory.** Where, after the
2 formation of a consolidated corporation, one or more parts of the
3 territory of a school township is left outstanding, each piece shall
4 constitute a rural independent school corporation and be organized
5 as such unless two or more contiguous sub-districts are left, in which
6 event each of such remaining portions of territory shall constitute
7 a school township. It shall be the duty of the county superintendent
8 of the county in which the territory is situated to call an election, by
9 giving proper notice, in each of such remaining pieces of territory,
10 for the purpose of electing school officers in the manner provided by
11 law for electing officers in rural independent districts or school town-
12 ships, as the case may be, and fix the date for the first meeting and
13 organization of the new school board in each district.

1 **SEC. 22. Organization of new board—taxes.** The organization
2 of each new school board elected in a school corporation organ-
3 ized under the provisions of this act shall be effected on or before
4 the first day of July following its election, and when completed, all
5 taxes previously certified to but not levied by the board of supervi-
6 sors, shall be void so far as the property within the limits of the new
7 school corporation is concerned, and each board of any new school
8 corporation shall at a regular or special meeting called at any time
9 prior to the third Monday in August of each year, estimate for the
10 general fund of such school corporation the amount necessary for
11 the general fund, not to exceed the limits fixed by law, and the amount
12 shall be certified to the board of supervisors as provided by law for
13 school corporations.

1 **SEC. 23. Buildings—elections—school house fund.** The board
2 of each school corporation organized for the purpose of establishing
3 a central school, shall provide a suitable building for such school in
4 that district and may at the regular or special meeting, call a special
5 election to submit to the qualified electors of the district the ques-
6 tion of voting a tax or authorizing the board to issue bonds, or both,
7 for any or all of the following purposes: To secure a site, build or
8 equip a school house, to build a superintendent's or teachers' house,
9 or to repair or improve any school building or grounds when the cost
10 will exceed two thousand dollars (\$2000.00). All moneys received
11 for such purposes shall be placed in the schoolhouse fund of said cor-
12 poration and shall be used only for the purposes for which voted.

1 **SEC. 24. Schoolhouse sites—election.** In locating a school site, the
2 board shall take into consideration the geographical position, num-
3 ber and conveniences of the pupils, and may submit the question of
4 location to the voters of the district at any regular or special meeting
5 called for that purpose.

1 **SEC. 25. Transportation of pupils.** The school board of any in-
2 dependent school district or any school corporation maintaining a
3 central school or any school corporation organized under this act for

4 that purpose shall provide suitable transportation to and from school
5 for every child of school age living within said district, and outside
6 the limits of any city, town, or village, but the board shall not be re-
7 quired to cause the vehicle of transportation to leave the public high-
8 way to receive or discharge pupils.

1 **SEC. 26. Transportation routes—suspension.** The board shall
2 designate the routes to be traveled by each conveyance in transporting
3 children to and from school. The board shall have the right on ac-
4 count of inclemency of the weather to suspend the transportation on
5 any route upon any day or days when in its judgment it would be a
6 hardship on the children, or when the roads to be traveled are unfit
7 or impassable.

1 **SEC. 27. Transportation by parent—instruction in another**
2 **school.** The school board may require that children living an un-
3 reasonable distance from school shall be transported by the parent or
4 guardian a distance of not more than two (2) miles to connect with
5 any vehicle of transportation to and from school or may contract with
6 an adjoining school corporation for the instruction of any child liv-
7 ing an unreasonable distance from school. It shall allow a reason-
8 able compensation for the transportation of children to and from
9 their homes to connect with such vehicle of transportation, or for
10 transporting them to an adjoining district. In determining what an
11 unreasonable distance would be, consideration shall be given to the
12 number and age of the children, the condition of the roads, and the
number of miles to be traveled in going to and from school.

1 **SEC. 28. Contracts in re transportation.** The school board of
2 any school corporation maintaining a central school shall contract
3 with as many suitable persons as it deems necessary for the trans-
4 portation of children of school age to and from school. Such con-
5 tract shall be in writing and shall state the route, the length of time
6 contracted for, the compensation to be allowed per week of five (5)
7 school days, or per month of four (4) school weeks, and may provide
8 that two (2) weeks' salary be retained by the board pending full
9 compliance therewith by the party contracted with, and shall always
10 provide that any party or parties to said contract, and every person
11 in charge of vehicles conveying children to and from school, shall be
12 at all times subject to any rules said board shall adopt for the pro-
13 tection of the children, or to govern the conduct of the person in
14 charge of said conveyances.

1 **SEC. 29. Violation of rules.** Any person driving, managing, or
2 in charge of any vehicle used in transporting children to and from
3 school, who shall be found guilty of violating any of the rules adopted
4 by the board of said school for the guidance of such person shall be
5 guilty of a misdemeanor, and for the first offense shall be fined not
6 less than five dollars (\$5.00) nor more than ten dollars (\$10.00) and
7 for a subsequent offense shall be fined not less than twenty-five dol-
8 lars (\$25.00) nor more than fifty dollars (\$50.00) and shall be dis-
9 missed from the service.

1 **SEC. 30. Dissolution of corporation.** A school corporation or-
2 ganized for the purpose of maintaining a central school may be dis-
3 solved by following the same procedure as in the organization, so far

4 as practicable. A petition describing the boundaries of the districts,
5 of which none shall be less than four government sections of land,
6 into which it is proposed to divide the school corporation, and signed
7 by a majority of the qualified voters residing within the corporation,
8 shall be filed with the county superintendent of the county in which
9 the greater number of qualified electors reside.

1 **SEC. 31. Petition and affidavit in re dissolution.** Such peti-
2 tion shall be accompanied by an affidavit showing the number of
3 qualified electors living within the school corporation, and signed by
4 a qualified elector; and if part of the territory of such school cor-
5 poration is situated in different counties, the affidavit shall show
6 separately as to each county the number of qualified electors resid-
7 ing in each county. The affidavit shall be taken as true unless objec-
8 tions to it are filed on or before the time fixed for filing objections.

1 **SEC. 32. Objections to dissolution—filing.** Within ten days after
2 the petition is filed, the county superintendent shall fix a final date
3 for filing objections to the petition in the office of the county superin-
4 tendent, and give public notice for at least ten days, by one publica-
5 tion in a newspaper published in said school corporation; or if none
6 be published therein, in the next nearest town or city in any county
7 in which any part of the said school corporation is situated. Objec-
8 tions shall be in writing in the form of an affidavit and may be made
9 by any person residing or owning land within the school corporation
10 that would be injured by the dissolution and the formation of new
11 school corporations, and shall be on file not later than twelve o'clock
12 noon of the final day fixed for filing objections.

1 **SEC. 33. Hearing—order—publication.** On the final day fixed
2 for filing objections, the interested parties may present evidence and
3 arguments to the county superintendent, and the county superintend-
4 ent shall review the matter on its merits and within five days after
5 the conclusion of any hearing, shall rule on any objections and enter
6 an order of approval or dismiss said petition, and shall at once pub-
7 lish this order in some newspaper in which the original notice was
8 published.

1 **SEC. 34. Appeal—hearing—time.** Within ten days after the
2 publication of such order, any petitioner, objector or any other per-
3 son living or owning land within the school corporation may ask for
4 a hearing before the county board of education by serving written
5 notice on the county superintendent. Within five days after the time
6 for asking for a hearing before the county board of education has
7 expired, the county superintendent shall file with the county board
8 of education all the original papers together with his decision and fix
9 a time and place for said hearing and give notice to each applicant
10 by registered letter. If more than one person has signed the same
11 application for a hearing before the county board, notice to the first
12 three persons whose names appear on the application shall be deem-
13 ed notice to all. The time fixed for such hearing shall not be less
14 than five nor more than ten days after the time for asking for said
15 hearing has expired.

1 **SEC. 35. When territory wholly within one county.** If the ter-
2 ritory described in the petition for dissolution lies wholly in one

3 county, the county board of such county shall hear the said objec-
 4 tions at the time and place fixed by the county superintendent, and
 5 within five days after submission thereof shall approve or dismiss
 6 the petition, as in its judgment will be for the best interests of all
 7 concerned, which shall be final.

1 **SEC. 36. When territory within different counties.** If the ter-
 2 ritory described in the petition for dissolution lies in more than one
 3 county, the county superintendent with whom the petition is filed
 4 shall fix the time and place and call a joint meeting of the members
 5 of all the county boards of education of the counties in which any
 6 territory described in the petition lies, to act as a single board for a
 7 hearing of the said objections, and a majority of the members of the
 8 county board of education of the different counties in which any part
 9 of the corporation lies, shall constitute a quorum for hearing said
 10 objections and it shall approve or dismiss the petition, which shall
 11 be final.

1 **SEC. 37. Disqualifications.** No member of a county board of
 2 education who lives or owns land within the territory described in
 3 the petition for dissolution shall take any part in hearing the objec-
 4 tions for dissolution.

1 **SEC. 38. Election on question of dissolution.** If the petition
 2 for dissolution is approved, the county superintendent with whom
 3 such petition is filed shall call a special meeting in such school cor-
 4 poration, by giving notice by one publication in a newspaper pub-
 5 lished in the school corporation; or if none be published within the
 6 corporation, then in a paper published in the nearest town in any
 7 county in which any part of the corporation is located.

1 **SEC. 39. Judges of election.** The president and secretary and
 2 one person appointed by the county superintendent, shall act as judges
 3 and they shall serve without pay. If any judge fail to appear at the
 4 proper time, his place shall be filled by the judges present.

1 **SEC. 40. Count and return.** The judges of election shall count
 2 the ballots, make return to and deposit the ballots with the county
 3 superintendent, who shall enter the return of record in his office. If
 4 the majority of the votes cast are in favor of the proposition, the
 5 school district shall be dissolved, and a new school corporation or
 6 corporations shall be organized in the same manner in which other
 7 new corporations are organized under this section, and expenses in-
 8 curred by the county superintendent shall be paid in the same manner.

1 **SEC. 41. Pending litigation.** Nothing herein shall affect pend-
 2 ing litigation.

1 **SEC. 42. Publication clause.** This act being deemed of immedi-
 2 ate importance shall take effect and be in force from and after its
 3 publication in the Des Moines Capital and the Des Moines Register,
 4 newspapers published in Des Moines, Iowa.

Approved April 9, A. D. 1921.

I hereby certify that the foregoing act was published in the Des Moines Capital April
 16, 1921, and in the Des Moines Register April 15, 1921.

W. C. RAMSAY, *Secretary of State.*