

CHAPTER 117

SCHOOL DISTRICT REORGANIZATION

H. F. 229

AN ACT to amend, revise, and codify chapters two hundred seventy-five (275) and two hundred seventy-six (276), Code 1950, relating to school district reorganization and boundary changes, to repeal certain sections of the Code 1950, relating thereto and to amend certain sections of the Code 1950, relating thereto.

Be It Enacted by the General Assembly of the State of Iowa:

Chapters two hundred seventy-five (275) and two hundred seventy-six (276), Code 1950, are hereby amended, revised, and codified to read as follows:

1 **SECTION 1. Declaration of policy—surveys.** It is hereby declared
2 to be the policy of the state to encourage the reorganization of school
3 districts into such units as are necessary, economical and efficient and
4 which will insure an equal opportunity to all children of the state. In
5 conformity to the county administration law, chapter two hundred
6 seventy-three (273), the county board of education in each county of
7 the state shall initiate detailed studies and surveys of the school dis-
8 tricts within the county and territory adjacent thereto for the pur-
9 pose of promoting such reorganization of districts by unions, mergers,
10 reorganizations or centralization as will effect more economical oper-
11 ation and the attainment of higher standards of education in the
12 schools.

1 **SEC. 2. Scope of surveys.** The scope of such studies and surveys
2 shall include the following matters in the various districts in the
3 county: the adequacy of the educational program, average daily at-
4 tendance of pupils, property valuations, existing buildings and equip-
5 ment, natural community areas, road conditions, transportation, eco-
6 nomic factors, and such other matters that may bear on educational
7 programs meeting minimum standards required by law.

1 **SEC. 3. Minimum standards.** No new school district shall be
2 planned by a county board of education nor shall any proposal for
3 creation or enlargement of any school district be approved by a county
4 board of education or submitted to electors unless there reside within
5 the proposed limits of such district at least three hundred persons of
6 school age who were enrolled in public schools in the preceding school
7 year. Provided, however, that the state superintendent of public in-
8 struction shall have authority to grant permission to a county board
9 to approve the formation or enlargement of a school district contain-
10 ing a lower school population than above provided on the written re-
11 quest of such county board of education if such request is accompanied
12 by evidence tending to show that sparsity of population, natural bar-
13 riers or other good reason makes it impracticable to meet said school
14 population requirement.

1 **SEC. 4. Hearings.** In making the studies and surveys required by
2 sections one (1) and two (2) the board in each county shall consult
3 with the officials of affected districts and other citizens, and shall from
4 time to time hold public hearings, and may employ such research and
5 other assistance as it may determine reasonably necessary in order to

6 properly carry on its survey and prepare definite plans of reorgani-
7 zation.

8 Upon the written request of the county boards of education in
9 adopting reorganization plans which conform to the statewide plan
10 of education and to state laws, the state superintendent of public
11 instruction shall cause reorganization plans and suggestions to be pre-
12 pared and forwarded to the county superintendents of schools together
13 with such recommendations as may promote the purposes set forth in
14 section one (1) of this Act.

1 **SEC. 5. Tentative plans.** Pending completion of the final plans pro-
2 vided for in sections one (1) to four (4) hereof, the county board
3 of education shall prepare and approve tentative plans for reorgani-
4 zation of school districts within the county after consultation with the
5 boards of the various districts in the county and the state department
6 of public instruction. Within ten days after the county board has
7 approved their tentative plan they shall file such plan with the state
8 department of public instruction. Any proposal for merger, consoli-
9 dation or boundary change shall first be submitted to the county board
10 of education for approval before being submitted at an election. The
11 county board of education shall adopt and file a tentative county plan
12 with the state department of public instruction no later than sixty
13 (60) days after a proposal for merger or consolidation has been pre-
14 sented to them for their approval under this section. Such proposals
15 may provide for reducing an existing school district to less than four
16 government sections and where such proposal is put into effect by
17 election by one of the methods hereinafter provided the county board
18 shall attach such remaining portions of less than four sections to an-
19 other school district as provided for in their county plan.

1 **SEC. 6. Progressive program.** It is the intent of this chapter that
2 the county board shall carry on the program of reorganization pro-
3 gressively and shall, insofar as is possible, authorize submission of
4 proposals to the electors as they are developed and approved.

1 **SEC. 7. Budget.** The county board of education shall include in the
2 budget submitted each year such sums as it deems necessary to carry
3 on its reorganization work under this chapter.

1 **SEC. 8. Co-operation of state department.** The state department of
2 public instruction shall co-operate with the several county boards of
3 education in making the studies and surveys required hereunder. In
4 the case of controversy over the planning of joint districts, the mat-
5 ter shall be submitted to the state department of public instruction and
6 its decision may be appealed to a court of record in one of the counties
7 involved, by an aggrieved party to the controversy, within thirty days
8 after the decision of the state department of public instruction. Joint
9 districts shall mean districts that lie in two or more adjacent counties.

1 **SEC. 9. Methods of effectuating reorganization plans.** When any
2 school district is enlarged, reorganized, or changes its boundaries pur-
3 suant to the plans hereinabove provided for, such enlargement, reor-
4 ganization, or boundary change shall be accomplished by one of the
5 methods hereinafter provided.

1 **SEC. 10. Proposals affecting two districts.** Pursuant to county
2 plan and upon the approval of the county board of education, the
3 boards of directors of any two school districts which have a common
4 boundary shall by concurrent action merge such districts or adjust
5 the boundary line between such districts at their regular meetings in
6 July, or at special meetings thereafter called for that purpose; pro-
7 vided however, that a written request for such action is filed prior
8 thereto by any ten legal voters residing in each of said districts or,
9 if there be not ten, then a majority of such voters, has been filed with
10 their respective board of directors and the proposed boundary changes
11 are approved by the legal voters in each of said districts at an elec-
12 tion which shall be called and conducted as provided in chapter two
13 hundred seventy-seven (277). If a majority of the votes cast in each
14 of the affected districts are in favor of the change, the same shall go
15 into effect on the first day of July following the election. Not more
16 than one election shall be held in any twelve (12) calendar months.

1 **SEC. 11. Proposals involving three or more districts.** Subject to
2 the approval of the county board of education contiguous territory
3 located in three or more school districts may be united into a single
4 district in the manner provided in sections twelve (12) to twenty-
5 three (23) hereof.

1 **SEC. 12. Petition.** A petition describing the boundaries of the
2 proposed district, which boundaries shall conform to county plan or
3 the petition shall request amendment of the county plan, signed by at
4 least one-third of the voters residing within such proposed boundaries,
5 shall be filed with the county superintendent of the county in which
6 the greater number of the qualified electors reside.

1 **SEC. 13. Affidavit—presumption.** Such petition shall be accom-
2 panied by an affidavit showing the number of qualified electors living
3 in the territory described in the petition and signed by a qualified
4 elector residing in the territory, and if parts of the territory described
5 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 included in the territory described. The affi-
8 davit shall be taken as true unless objections to it are filed on or be-
9 fore the time fixed for filing objections as provided in section fourteen
10 (14) hereof.

1 **SEC. 14. Objection—time of filing—notice.** 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 super-
4 intendent, and give notice for at least ten days, by one publication in
5 a newspaper published within the territory described in the petition,
6 or if none is published therein, in a newspaper published in the county
7 where the petition is filed, and of general circulation in the territory
8 described. Objections shall be in writing in the form of an affidavit
9 and may be made by any person residing or owning land within the
10 territory described in the petition, or who would be injuriously affected
11 by the change petitioned for and shall be on file not later than twelve
12 o'clock noon of the final day fixed for filing objections.

1 **SEC. 15. Hearing—decision—publication of order.** On the final day
2 fixed for filing objections, interested parties may present evidence and

3 arguments, and the county board of education shall review the matter
4 on its merits and within five days after the conclusion of any hearing,
5 shall rule on the objections and shall enter an order fixing such bound-
6 aries for the proposed school corporation as will in its judgment be
7 for the best interests of all parties concerned, having due regard for
8 the welfare of adjoining districts or dismiss the petition which shall
9 be final. If such boundaries are neither those petitioned for nor those
10 fixed by the county plan, the hearing shall be adjourned and notice for
11 the adjourned hearing shall be given in the same manner as herein-
12 above provided and upon the final hearing the board shall fix the
13 boundaries, or dismiss the petition which shall be final. The county
14 superintendent shall at once publish this order in the same newspa-
15 per in which the original notice was published and file any amend-
16 ments to the county plan in the same manner as hereinabove provided
17 for the original or tentative county plan.

1 **SEC. 16. Hearing when territory in different counties.** If the terri-
2 tory described in the petition for the proposed corporation lies in
3 more than one county, the county superintendent with whom the peti-
4 tion is filed shall fix the time and place and call a joint meeting of
5 the members of all the county boards of education of the counties in
6 which any territory of the proposed school corporation lies, to act as
7 a single board for the hearing of the said objections, and a majority
8 of all members not disqualified under section seventeen (17) hereof
9 of the county boards of education of the different counties in which
10 any part of the proposed corporation lies, shall constitute a quorum
11 and it shall determine and fix boundaries for the proposed corporation
12 as provided in section fifteen (15) hereof, or dismiss the petition,
13 unless county plans are amended in which event the decision of the
14 joint county boards may be appealed as provided in section eight (8).
15 The county superintendent shall at once publish this decision in the
16 same newspaper in which the original notice was published.

1 **SEC. 17. Interested parties as judges.** No member of a county
2 board of education who lives or owns land within the proposed dis-
3 trict or within any existing district affected by the proposed change
4 in boundaries, or who has filed objection to the establishment of the
5 new school corporation, shall take any part in determining any matter
6 concerning the establishment of such school corporation, which may
7 come before the county board or a joint meeting for a hearing. Where
8 members are disqualified under this section a majority of the qualified
9 members shall constitute a quorum. A tie vote of members at a
10 hearing under sections fifteen (15) or sixteen (16) shall be deemed as
11 granting the petition.

1 **SEC. 18. Special election called—time.** When the boundaries of
2 the territory to be included in a proposed school corporation have
3 been determined as herein provided, the county superintendent with
4 whom such petition is filed shall call a special election in such pro-
5 posed school corporation within thirty days from the date of the final
6 determination of such boundaries, by giving notice by one publica-
7 tion in the same newspaper as previous notices concerning it have
8 been published, and in addition thereto, if more than one county is
9 involved, by one publication in a legal newspaper in each county other

10 than that of the first publication, which publication shall be not less
11 than ten nor more than fifteen days prior to the election. In the case
12 of joint districts, no notice for an election shall be published until the
13 time for appeal, which shall be the same as that provided in section
14 two hundred eighty-five point twelve (285.12), has expired; and in
15 the event of an appeal, not until the same has been disposed of.

1 **SEC. 19. Judges of election.** The county superintendent shall ap-
2 point the judges of such election and such judges shall be qualified
3 electors of the territory of the proposed school corporation as deter-
4 mined by the county superintendent or board of education, and they
5 shall serve without pay. If any judge fails to appear at the proper
6 time, his place shall be filled by the judge or judges present, or if no
7 judge appears, any three qualified electors may organize the election
8 board.

1 **SEC. 20. Separate vote in urban territory.** When it is proposed to
2 include in such district a school corporation containing a city, town,
3 or village with a population of two hundred or more inhabitants, the
4 voters residing upon the territory outside the limits of such school
5 corporation shall vote separately in each existing school district af-
6 fected or portion thereof upon the proposition to create such new cor-
7 poration. School districts affected or portion thereof shall be defined
8 to mean that area to be included in the plan of the proposed new school
9 district. Where there are more than three districts or portions of
10 districts voting on a reorganization program, the proposition must
11 carry by a majority vote in seventy-five percent of the districts in-
12 volved; provided, however, that those districts voting against the
13 proposition shall not be included in the newly formed district. The
14 newly formed board of any rural-urban reorganization effected under
15 the provisions of this chapter shall provide for at least one rural
16 member on the board who shall be a farmer residing on and operating
17 a farm within the district.

1 **SEC. 21. Separate vote in consolidated districts.** When it is pro-
2 posed to include in such district a school corporation which contains
3 an area of sixteen sections or more and which maintains a central
4 school, the voters residing in the territory within the limits of said
5 school corporation shall vote separately upon the proposition to create
6 such new corporation.

1 **SEC. 22. Separate ballot boxes.** The judges of election shall pro-
2 vide separate ballot boxes in which shall be deposited the votes cast
3 by the qualified electors from their respective territories.

1 **SEC. 23. Canvass 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 by the qualified electors are in favor of
5 the proposition, a new school corporation shall be organized, except
6 that in cases where separate ballot boxes are required by law, a ma-
7 jority of the votes cast by the qualified electors from their respective
8 territories shall be required.

1 **SEC. 24. Effective date of change.** When any school district is en-
2 larged, reorganized, or changes its boundary by the method provided

3 in section ten (10) or the method provided in sections eleven (11)
4 to twenty-three (23) hereof, the effective date of such change shall be
5 July 1 following the election of the new board.

1 **SEC. 25. Election of directors.** If the proposition to establish a
2 new corporation carries under the method provided in sections eleven
3 (11) to twenty-three (23) hereof a special election shall be called
4 on or before the tenth day of the following June by the county super-
5 intendent by giving notice by one publication in the same newspaper
6 in which the former notices were published and he shall appoint judges
7 who shall serve without pay. At such election, two directors shall
8 be elected to serve until the next regular election, two until the sec-
9 ond, and one until the third regular election thereafter, and until
10 such time as their successors are elected and qualified. The judges of
11 election shall make return to the county superintendent who shall
12 enter the return of record in his office and notify the persons who are
13 elected directors. The new board shall meet and organize on July 1
14 following their election.

15 If a proposition submitted under section ten (10) carries, a special
16 election shall be called and conducted in the manner above provided
17 in all cases where the population of territory added exceeds twenty-
18 five percent of the population of the district to which such territory
19 is added. In all other cases under section ten (10) the incumbent
20 board members shall continue to hold office for their elective terms.
21 Vacancies on any board caused by change in boundaries shall be filled
22 in the manner provided in sections two hundred seventy-nine point
23 six (279.6) and two hundred seventy-nine point seven (279.7).

1 **SEC. 26. Payment of expenses.** If a district is established or
2 changes its boundaries by either of the said methods it shall pay all
3 expenses incurred by the superintendent and the board of education
4 in connection with the proceedings, including the election of the first
5 board of directors. If the proposition is defeated at the election all
6 expenses shall be apportioned among the several districts in propor-
7 tion to the assessed valuation of property therein.

8 If the proposed district or boundary change embraces territory in
9 more than one county such expenses shall be certified to and, if neces-
10 sary, apportioned among the several districts by the joint board of
11 education. If in only one county the certification shall be made by
12 the county superintendent.

13 The respective boards to which such expenses are certified shall
14 audit and order the same paid from the general fund. In the event
15 of failure of any board to so audit and pay the expenses certified to
16 it, the county superintendent shall certify the expenses to the county
17 auditor in the same manner as is provided for tuition claims in sec-
18 tion two hundred eighty-two point twenty-one (282.21) and the funds
19 shall be transferred by the county treasurer from the debtor district
20 to the county board of education for payment of said expenses.

1 **SEC. 27. Names.** School districts created or enlarged under the
2 provisions of this chapter shall be known as community school dis-
3 tricts and shall be part of the county school system and all provisions
4 of the law applicable to the common schools generally shall be appli-
5 cable to such districts in addition to the powers and privileges con-
6 ferred by this chapter.

1 **SEC. 28. Division of assets and liabilities.** A plan of reorganiza-
2 tion in addition to setting up the territory to comprise the reorgan-
3 ized districts may provide for a division of assets and liabilities of the
4 old districts between reorganized districts. If no provision is made
5 in the plan for division of assets and liabilities, such division shall be
6 made under the provisions of sections twenty-nine (29) to thirty-one
7 (31), inclusive, hereof.

1 **SEC. 29. Division of assets and liabilities.** Within twenty days
2 after the organization of the new boards, they shall meet jointly with
3 the several boards of directors whose districts have been affected by
4 the organization of the new corporation or corporations and all of said
5 boards acting jointly shall recommend to the several boards an equi-
6 table division of the assets of the several school corporations or parts
7 thereof and an equitable distribution of the liabilities of such school
8 corporations or parts thereof among the new school corporations.

1 **SEC. 30. Arbitration.** If the boards cannot agree on such division
2 and distribution, the matters on which they differ shall be decided by
3 disinterested arbitrators, one selected by each board having an interest
4 therein, and if the number thus selected is even, then one shall be
5 added by the county superintendent. The decision of the arbitrators
6 shall be made in writing and filed with the secretary of the new cor-
7 poration, and any party to the proceedings may appeal therefrom to
8 the district court by serving notice thereof on such secretary within
9 twenty days after the decision is filed. Such appeal shall be tried in
10 equity and a decree entered determining the entire matter, including
11 the levy, collection, and distribution of any necessary taxes.

1 **SEC. 31. Taxes to effect equalization.** If necessary to equalize such
2 division and distribution, the board or boards may provide for the
3 levy of additional taxes upon the property of any corporation or part
4 of corporation and for the distribution of the same so as to effect
5 such equalization.

1 **SEC. 32. School buildings—tax levy.** The board of any school cor-
2 poration shall establish attendance centers and provide suitable build-
3 ings for each school in the district, and may at the regular or a special
4 meeting call a special election to submit to the qualified electors of
5 the district the question of voting a tax or authorizing the board to
6 issue bonds, or both, for any or all of the following purposes:

7 1. To secure sites, build, purchase, or equip school buildings.

8 2. To build or purchase a superintendent's or teacher's house or
9 houses.

10 3. To repair or improve any school building or grounds, or super-
11 intendent's or teacher's house or houses, when the cost will exceed five
12 thousand dollars.

13 All moneys received for such purposes shall be placed in the school-
14 house fund of said corporation and shall be used only for the purpose
15 for which voted.

1 **SEC. 33. Contracts not affected.** The terms of employment of su-
2 perintendents, principals, and teachers, for any current school year
3 shall not be affected by the formation of the new district.

1 SEC. 34. Nothing herein contained shall be construed as invalidat-
 2 ing the organization of any school district existing on the effective
 3 date of this Act nor shall any proceedings for merger, consolidation,
 4 boundary change, or creation of a new school district commenced prior
 5 to the effective date of this Act be invalidated by the provisions of
 6 this Act.

1 SEC. 35. Chapters two hundred seventy-five (275) and two hun-
 2 dred seventy-six (276), Code 1950, are hereby repealed.

1 SEC. 36. Sections two hundred seventy-four point sixteen (274.16)
 2 to two hundred seventy-four point thirty-four (274.34), inclusive, and
 3 sections two hundred seventy-four point thirty-seven (274.37) and
 4 two hundred seventy-four point thirty-eight (274.38), Code 1950, and
 5 all amendments thereto are hereby repealed.

1 SEC. 37. Section three (3) of chapter ninety-four (94), Acts of
 2 the Fifty-fourth General Assembly, is hereby repealed.

1 SEC. 38. This Act being deemed of immediate importance shall be
 2 in full force and effect from and after its publication in the Daily
 3 Record, a newspaper published at Cedar Falls, Iowa, and in the Grinnell
 4 Herald-Register, a newspaper published at Grinnell, Iowa.

Approved April 22, 1953.

I hereby certify that the foregoing Act, House File 229, was published in the Daily Record, Cedar Falls, Iowa, April 27, 1953, and in the Grinnell Herald-Register, Grinnell, Iowa, April 30, 1953.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 118

SCHOOL EMPLOYEES BOND

H. F. 8

AN ACT to amend section two hundred seventy-nine point eight (279.8), Code 1950, to provide that public school employees handling money accruing from school activities and other sources furnish bond to school corporation.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred seventy-nine point eight (279.8),
 2 Code 1950, is amended by adding thereto the following: "Employees
 3 of a school corporation maintaining a high school who have the cus-
 4 tody of funds belonging to the corporation or funds derived from extra-
 5 curricular activities and other sources in the conduct of their duties,
 6 shall be required to furnish suitable bond indemnifying the corporation
 7 or any activity group connected with the school against loss, and em-
 8 ployees who have the custody of property belonging to the corporation
 9 or any activity group connected with the school may be required to
 10 furnish such bond. Said bond or bonds may be in such form and
 11 penalty as the board may approve and the premiums on same shall
 12 be paid from the general fund of the corporation."

Approved March 30, 1953.