

this section, by the amount per pupil in weighted enrollment that the state cost per pupil in weighted enrollment is reduced under this section. The state comptroller shall reduce each school district cost per pupil by the amount of the special education support services cost reduction per pupil in weighted enrollment in the area computed by dividing the reduction in the area of the special education support services cost by the weighted enrollment in the area.

Sec. 39. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in *The Sun & The Hawkeye Record-Herald*, a newspaper published in Mount Vernon, Iowa, and in the *Lenox Time Table*, a newspaper published in Lenox, Iowa.

Approved June 13, 1978

I hereby certify that the foregoing Act, House File 463, was published in *The Sun & The Hawkeye Record-Herald*, Mount Vernon, Iowa on June 22, 1978 and in the *Lenox Time Table*, Lenox, Iowa on June 22, 1978.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1096

SCHOOL DISTRICT REORGANIZATION

H. F. 2359

AN ACT relating to reorganization procedures for school districts.

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

Section 1. Section two hundred fifty-seven point twenty-five (257.25), subsection eleven (11), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The state board of public instruction shall remove for cause, after due investigation and notice, any school or school district from the approved list which fails to comply with such approval standards and rules in the manner prescribed in this subsection. The state board shall allow a reasonable period of time after notification of noncompliance, not to exceed the following school year, for compliance with such approval standards and rules. ~~if-the-school-or-school-district-is-making-a-good-faith-effort-and-substantial-progress-toward-full-compliance-and-if-the-failure-to-comply-is-due-to-factors~~

~~beyond-the-control-of-the-board-of-directors-or-governing
body-of-such-school-or-school-district-additional-time-may
be-granted.--in-allowing-such-time-for-compliance, the-board
shall-follow-consistent-policies, taking-into-account-the
circumstances-of-each-case.--The-reasonable-period-of-time
for-compliance-shall-not-exceed-the-one-year-notice-requirement
of-subsection-42.~~

Sec. 2. Section two hundred seventy-five point one (275.1), Code 1977, is amended to read as follows:

275.1 DECLARATION OF POLICY--SURVEYS. It is declared to be the policy of the state to encourage ~~the reorganization of school districts into such units as are necessary,~~ economical and efficient and school districts which will insure an equal educational opportunity to all children of the state. All area areas of the state shall be in school districts maintaining twelve grades. If any school district ceases to maintain twelve grades, it shall ~~merge-with-a contiguous-school-district~~ reorganize within six months or the state board shall attach the school district not maintaining twelve grades to ~~a-contiguous~~ another district. Voluntary reorganizations under this chapter shall be commenced only if the affected school districts are contiguous to one another. A reorganized district shall meet the requirements of section two hundred seventy-five point three (275.3) of the Code.

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

Sec. 3. Section two hundred seventy-five point two (275.2), Code 1977, is amended to read as follows:

275.2 SCOPE OF SURVEYS. The scope of such studies and surveys shall include the following matters in the various districts in the county area education agency and all districts adjacent to the area education agency: The adequacy of the educational program, average daily attendance of pupils, property valuations, existing buildings and equipment, natural

community areas, road conditions, transportation, economic factors, individual attention given to the needs of students, the opportunity of students to participate in a wide variety of activities related to the total development of the student, and such other matters that may bear on educational programs meeting minimum standards required by law.

Sec. 4. Section two hundred seventy-five point three (275.3), Code 1977, is amended to read as follows:

275.3 MINIMUM STANDARDS. No new school district shall be planned by an area education agency board nor shall any proposal for creation or enlargement of any school district be approved by an area education agency board or submitted to electors unless there reside within the proposed limits of such district at least three hundred persons of school age who were enrolled in public schools in the preceding school year. Provided, however, that the state superintendent of public instruction shall have authority to grant permission to an area education agency board to approve the formation or enlargement of a school district containing a lower school population enrollment than ~~above-provided~~ required in this section on the written request of such area education agency board if such request is accompanied by evidence tending to show that sparsity of population, natural barriers or other good reason makes it impracticable to meet ~~said~~ the school population enrollment requirement.

Sec. 5. Section two hundred seventy-five point four (275.4), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

In ~~making-any~~ developing studies and surveys the area education agency board shall consult with the officials of affected districts and other citizens, and shall from time to time hold public hearings, and may employ such research and other assistance as it may determine reasonably necessary in order to properly carry on its survey and prepare definite plans of reorganization.

Sec. 6. Section two hundred seventy-five point four (275.4), unnumbered paragraph two (2), Code 1977, is amended by striking the paragraph and inserting in lieu thereof the following:

In addition, the area education agency board shall consult with the superintendent of public instruction in the development of surveys and plans. The superintendent of public instruction shall provide assistance to the area education agency boards as requested and shall advise the

area education agency boards concerning plans of contiguous area education agencies and the reorganization policies adopted by the state board of public instruction.

Completed plans shall be transmitted by the area education agency board to the superintendent of public instruction.

Sec. 7. Section two hundred seventy-five point five (275.5), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

275.5 PROPOSALS FOR MERGER OR CONSOLIDATION. Any proposal for merger, consolidation, or boundary change of local school districts shall first be submitted to the area education agency board following the procedure prescribed in this chapter. Following receipt of a petition pursuant to section two hundred seventy-five point twelve (275.12) of the Code, the area education agency board shall review its plans and determine whether the petition complies with the plans which had been adopted by the board. If the petition does not comply with the plans which had been adopted by the board, the board shall conduct further surveys pursuant to section two hundred seventy-five point four (275.4) of the Code prior to the date set for the hearing upon the petition.

Sec. 8. Section two hundred seventy-five point eight (275.8), unnumbered paragraph one (1) and subsection two (2), Code 1977, are amended to read as follows:

275.8 CO-OPERATION OF STATE DEPARTMENT--PLANNING JOINT DISTRICTS. ~~The state department of public instruction shall co-operate with the several area education agency boards in making studies and surveys.~~ Planning of joint districts shall be conducted in the same manner as planning for single districts, except as provided in this section. Studies and surveys relating to the planning of joint districts shall be filed with the area education agency in which one of the districts is located which has the greatest taxable property base. In the case of controversy over the planning of joint districts, the matter shall be submitted to the state board of public instruction ~~judicial.~~ Judicial review of and its decision may be sought in accordance with the terms of the Iowa administrative procedure Act. Notwithstanding the terms of said Act, petitions for judicial review must be filed within thirty days after the decision of the state board of public instruction. Joint districts shall mean districts that lie in two or more adjacent area education agencies.

2. Adoption of such plan at a joint session of the several

area education agency boards in whose areas such territory is situated. Votes of each member of an area education agency board shall be weighted so that the total number of votes eligible to be cast by members of each board shall be equal.

Sec. 9. Section two hundred seventy-five point fourteen (275.14), Code 1977, is amended to read as follows:

275.14 OBJECTION--TIME OF FILING--NOTICE. Within ten days after the petition is filed, the area education agency administrator shall fix a final date for filing objections to the petition which shall be not more than sixty days after the petition is filed and shall fix the date for a hearing on the objections to the petition. Objections shall be filed in the office of the administrator, and who shall give notice for at least ten days prior to the final day for filing objections, by one publication in a newspaper published within the territory described in the petition, or if none is published therein, in a newspaper published in the county where the petition is filed, and of general circulation in the territory described. The notice shall also list the date, time, and location for the hearing on the petition as provided in section two hundred seventy-five point fifteen (275.15) of the Code. The cost of publication shall be assessed to each district whose territory is involved in the ratio that the number of pupils in basic enrollment, as defined in section 442.4 in each district bears to the total number of pupils in basic enrollment in the total area involved. Objections shall be in writing in the form of an affidavit and may be made by any person residing or owning land within the territory described in the petition, or who would be injuriously affected by the change petitioned for and shall be on file not later than twelve o'clock noon of the final day fixed for filing objections.

Sec. 10. Section two hundred seventy-five point fifteen (275.15), Code 1977, is amended to read as follows:

275.15 HEARING--DECISION--PUBLICATION OF ORDER. ~~On the final day fixed for filing objections~~ At the hearing, which shall be held within ten days of the final date set for filing objections, interested parties, both petitioners and objectors, may present evidence and arguments, and the area education agency board shall review the matter on its merits and within five days after the conclusion of any hearing, shall rule on the objections and shall enter an order fixing such boundaries for the proposed school corporation as will in its judgment be for the best interests of all parties

concerned, having due regard for the welfare of adjoining districts or dismiss the petition. The area education agency board, when entering the order fixing the boundaries, shall consider requests for boundary line changes of property owners who reside on property adjacent to the proposed boundary lines. The agency administrator shall at once publish this order in the same newspaper in which the original notice was published. Within twenty days after the publication thereof the decision rendered by the area education agency board may be appealed to the district court in the county involved by any school district affected. For purposes of appeal, only those school districts who filed reorganization petitions are school districts affected.

Sec. 11. Section two hundred seventy-five point sixteen (275.16), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If the territory described in the petition for the proposed corporation lies in more than one area education agency, the agency administrator with whom the petition is filed shall fix the time and place for a hearing and call a joint meeting of the members of all the agency boards in which any territory of the proposed school corporation lies, to act as a single board for the hearing of the said objections, and a majority of all members of the agency boards of the different agencies in which any part of the proposed corporation lies, shall constitute a quorum. The joint boards acting as a single board shall determine whether the petition conforms to plans or, if the petition requests a change in plans, whether such change should be made, and shall have the authority to change the plans of any or all the area education agency boards affected by the petition, and it shall determine and fix boundaries for the proposed corporation as provided in section 275.15 or dismiss the petition. Votes of each member of an area education agency board shall be weighted so that the total number of votes eligible to be cast by members of each board shall be equal. However, if such joint boards cast a tie vote and are unable to agree to an order fixing the boundaries for the proposed school district or to an order to dismiss the petition, the time during which such actions must be taken under the provisions of section 275.15 shall be extended from five days to fifteen days after the conclusion of the hearing under the provisions of section 275.15, and such joint board shall reconvene not less than ten and not

more than fifteen days after the conclusion of such hearing. At such hearing the joint board shall reconsider their action and if a tie vote shall again be cast it shall be deemed an order granting the petition and changing the plans of any and all of the agency boards affected by the petition and fixing the boundaries for the proposed school corporation. The agency administrator shall at once publish the decision in the same newspaper in which the original notice was published.

Sec. 12. Chapter two hundred seventy-five (275), Code 1977, is amended by inserting the following new section after section two hundred seventy-five point sixteen (275.16) of the Code:

NEW SECTION. REFILEING A PETITION. If an area education agency board does not approve the change in boundaries of school districts in accordance with a petition, an identical petition shall not be refiled for a period of six months following the date of the hearing or the vote of the board, whichever is later.

Sec. 13. Section two hundred seventy-five point eighteen (275.18), Code 1977, is amended to read as follows:

275.18 SPECIAL ELECTION CALLED--TIME. When the boundaries of the territory to be included in a proposed school corporation and the number and method of the election of the school directors of such proposed school corporation have been determined as herein provided, the area education agency administrator with whom such petition is filed shall ~~call a special election in such proposed school corporation within thirty days from the date of the final determination of such boundaries and serve~~ give written notice on of the proposed date of the election to the county commissioner of elections of the county in the proposed school corporation which has the greatest taxable base in the proposed school corporation therein. The proposed date shall be as soon as possible pursuant to sections thirty-nine point two (39.2), subsections one (1) and two (2), and forty-seven point six (47.6), subsections one (1) and two (2), of the Code, but not later than December thirty-first. The county commissioner of elections shall give notice of the election by one publication in the same newspaper in which previous notices have been published regarding the proposed school reorganization, and in addition thereto, if more than one county is involved, by one publication in a legal newspaper in each county other

than that of the first publication, which publication shall be not less than four nor more than twenty days prior to the election. In the case of districts located in more than one county, no notice for an election shall be published until the time for appeal, which shall be the same as that provided in section 285.12, has expired; and in the event of an appeal, not until the same has been disposed of.

Sec. 14. Section two hundred seventy-five point twenty (275.20), Code 1977, is amended to read as follows:

275.20 SEPARATE VOTE IN EXISTING DISTRICTS. The voters shall vote separately in each existing school district affected ~~or portion thereof and voters residing in the entire existing district are eligible to vote~~ upon the proposition to create such new school corporation. ~~School districts affected or portion thereof shall be defined to mean that area included within the boundaries of the proposed new school corporation, except that where a portion of an existing school district operating a high school, or rural independent school district of eight sections or more operating a school formed prior to May 10, 1957, is included within the boundaries of the proposed new school corporation, that affected school district shall be defined as that existing district within and without the proposed new school corporation, and in such districts the entire district shall vote.~~ If the proposition receives a majority of the votes cast in each of at least seventy-five percent of the said districts, and also a majority of the total number of votes cast in all of said districts, the proposition shall be deemed carried. ~~Provided, however, that if two or more of the school districts affected have a resident average daily attendance in public schools of three hundred or more pupils who were enrolled in public schools in the preceding school year, the proposition must also receive a majority of the votes cast in each of said districts in order to be deemed carried, and in such districts the entire existing district shall vote.~~

Sec. 15. Section two hundred seventy-five point twenty-five (275.25), Code 1977, is amended to read as follows:

275.25 ELECTION OF DIRECTORS. If the proposition to establish a new corporation carries under the method hereinabove provided ~~a special election shall be called by the area education agency administrator. The administrator shall notify the county commissioner of elections who shall publish notice by one publication in the same newspaper in~~

~~which-the-former-notices-were-published---~~At such, the board of the reorganized district shall consist of the members of the boards of the districts involved in the reorganization who are residents of the reorganized district until their successors are elected at the second regular school election held thereafter. Terms of office of such members shall be extended beyond their expiration to the organizational meeting after the second regular school election held thereafter. Vacancies occurring on the board during the period shall be filled by appointment by the remaining members.

At the next succeeding regular school election, two directors shall be elected to serve until the next regular election, two until the second, and one until the third regular election thereafter, except in districts which include all or part of a city of fifteen thousand or more population and in districts in which the proposition to establish a new corporation provides for seven directors, three directors shall be elected to serve until the third regular election thereafter, all of whom to serve until such time as their successors are elected and qualified. Provided, however, that in all community school districts which include a city of fifteen thousand or more population and which became effective prior to July 4, 1955, and in all community school districts containing a city which has attained a population of fifteen thousand or more as shown by the most recent decennial federal census, the board of directors shall consist of seven members. Where it becomes necessary to increase the membership of any such board under the provisions hereof, two directors shall be added according to the procedure described in section 277.23. The county board of supervisors shall canvass the votes and the county commissioner of elections report the results to the area education agency administrator who shall notify the persons who are elected directors. ~~The-new-board-shall-organize-within-fifteen-days-following-their-election-upon-call-of-the-administrator. The-new-board-of-directors-shall-have-complete-control-of-the-employment-of-all-personnel-for-the-newly-formed-community-school-district-for-the-ensuing-school-year---~~Following the organization of the new board they shall have authority to establish policy, organize curriculum, enter into contracts and complete such other planning and take such action as is essential for the efficient management of the newly formed community school district.

~~Provided, however, in cases involving two districts only,~~

~~where the population of the new district does not exceed the population of the more populous of said districts by more than twenty-five percent, the incumbent board members of said more populous district shall continue to hold office as the directors of the new district for the remainder of their elective terms.~~ Section 49.8, subsection 4 shall not be construed to permit a director to remain on the board of any school district after the effective date of a boundary change which places the director's residence outside the boundaries of the district. Vacancies so caused on any board shall be filled in the manner provided in ~~sections~~ section 279.6 and 279.7.

Sec. 16. Section two hundred seventy-five point thirty-three (275.33), Code 1977, is amended to read as follows:

275.33 CONTRACTS NOT AFFECTED.

1. The terms of employment of superintendents, principals, and teachers, for ~~any current~~ the school year following the effective date of the formation of the new district shall not be affected by the formation of the new district, except in accordance with the provisions of sections two hundred seventy-nine point fifteen (279.15) through two hundred seventy-nine point eighteen (279.18) and two hundred seventy-nine point twenty-four (279.24) of the Code.

2. The collective bargaining agreement of the district with the largest basic enrollment, as defined in section four hundred forty-two point four (442.4) of the Code, in the new district shall continue in full force and effect until a successor agreement is negotiated and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement without further action by the public employment relations board. If only one collective bargaining agreement is in effect among the districts which are party to the reorganization, then that agreement shall continue in full force and effect until a successor agreement is negotiated, and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement without further action by the public employment relations board.

Sec. 17. Chapter two hundred seventy-five (275), Code 1977, is amended by adding the following new section:

NEW SECTION. ALTERNATIVE METHOD FOR ELECTION OF DIRECTORS.

1. As an alternative to the method specified in section

two hundred seventy-five point twenty-five (275.25) of the Code for electing directors in a newly-formed community school district, the procedure specified in this section may be used.

2. The boards of the old school district with the largest population involved in the merger shall designate four directors to be retained as members of the board of the newly-formed district. Other school districts involved in the merger shall each be allowed to retain directors in proportion to the ratio that the population of the former school district bears to the most populous district involved in the merger, except that no district involved in the merger shall retain less than one director.

3. If the procedure in subsection two (2) of this section results in four members being retained from the largest district involved in the merger and only a single member from the other district involved in the merger, the reorganization petition may specify that the distribution of the board members who are retained from the districts involved in the merger be five to one, five to two, or six to one.

4. If the total number of directors determined under subsection two (2) or three (3) of this section is an odd number, the board of the district with the largest population shall designate the term of office of one of the members who is retained to commence at the organizational meeting of the board of the newly-formed district and to end at the organizational meeting following the fourth regular school election held thereafter in the manner specified in the reorganization petition.

If the total number of directors determined under subsection two (2) or three (3) of this section is an even number, that number of directors shall function until a special election can be held, at which time an additional director shall be elected to a term from the newly-formed district ending at the organizational meeting following the fourth regular school election held thereafter. The procedure for calling the special election shall be the procedure specified in section two hundred seventy-five point twenty-five (275.25) of the Code.

5. The boards of directors of other school districts which are involved in the merger which have three or more directors who are retained, shall each designate two of the directors who are retained to serve terms that expire at the organizational meeting following the second regular school election held thereafter. All other directors who are retained

shall serve terms that expire at the organizational meeting following the third regular school election held thereafter.

6. At the second regular school election held after the effective date of the merger, the two vacancies which will occur on the board shall be filled in a manner specified in the reorganization petition.

7. At the third regular school election held after the effective date of merger, if a five-member board is specified in the reorganization petition, two directors shall be elected in the manner specified in the reorganization petition and if a seven-member board is specified in the reorganization petition, four directors shall be elected, two for one-year terms and two for three-year terms, in the manner specified in the reorganization petition.

8. The board of the newly-formed district shall organize within forty-five days after the approval of the merger upon the call of the area education agency administrator. The new board shall have control of the employment of all personnel for the newly-formed district for the ensuing school year. Following the organization of the new board the board shall have authority to establish policy, organize curriculum, enter into contracts and complete such planning and take such action as is essential for the efficient management of the newly-formed community school district.

Section forty-nine point eight (49.8), subsection four (4), of the Code shall not permit a director to remain on the board of a school district after the effective date of a boundary change which places the director's residence outside the boundaries of the district. Vacancies so caused on any board shall be filled in the manner provided in sections two hundred seventy-nine point six (279.6) and two hundred seventy-nine point seven (279.7) of the Code.

Sec. 18. Section two hundred eighty point fifteen (280.15), Code 1977, is amended to read as follows:

280.15 JOINT EMPLOYMENT AND SHARING. Any two or more public school districts may jointly employ and share the services of any school personnel, or acquire and share the use of classrooms, laboratories, equipment and facilities. Classes made available to students in the manner provided in this section shall be considered as complying with the requirements of section two hundred seventy-five point one (275.1) of the Code relating to the maintenance of twelve grades by a school district.

Sec. 19. Chapter two hundred ninety-seven (297), Code

1977, is amended by adding the following new section:

NEW SECTION. Before an election is held on the issuance of general obligation bonds for the construction or renovation of any school building, the board shall inform the board of the area education agency in which the school district is located. The chairperson of the area education agency shall call a meeting of the boards of directors of the school district proposing the issuance of general obligation bonds, the boards of school districts contiguous to that school district, and the board of the area education agency, for the purpose of discussing enrollment trends of that school district and school districts contiguous to it and solutions to the enrollment changes in the various school districts, including the possibility of school district reorganization. The chairperson of the board of the area education agency shall preside at the meeting unless the chairperson is a resident of the school district proposing the issuance of general obligation bonds. In that case, the vice chairperson shall preside at the meeting.

Following discussion at the meeting, the board of directors of the area education agency shall meet to make recommendations concerning alternative solutions to the construction or renovation of the school building which shall be made to the school district proposing to issue general obligation bonds.

The school district shall consider the recommendations of the board of the area education agency before setting a date for the election to authorize the issuance of general obligation bonds.

Approved June 14, 1978