

CHAPTER 278  
POWERS OF ELECTORS

Referred to in §274.3

278.1	Enumeration — extended time contracts.	278.3	Power given electors not to limit directors' power.
278.2	Submission of proposition.		

**278.1 Enumeration — extended time contracts.**

1. The voters at the regular election shall have power to:
  - a. Direct a change of textbooks regularly adopted.
  - b. Except when restricted by [section 297.25](#), direct the sale, lease, or other disposition of any schoolhouse or school site or other property belonging to the corporation, and the application to be made of the proceeds thereof. However, nothing in [this section](#) shall be construed to prevent the sale, lease, exchange, gift, or grant and acceptance of any interest in real or other property of the corporation to the extent authorized in [section 297.22](#).
  - c. Determine upon additional branches that shall be taught.
  - d. Instruct the board that school buildings may or may not be used for meetings of public interest.
  - e. Direct the transfer of any surplus in the debt service fund, physical plant and equipment levy fund or other capital project funds, or public education and recreation levy fund to the general fund.
  - f. Authorize the board to obtain, at the expense of the corporation, roads for proper access to its schoolhouses.
  - g. Authorize a change to either five or seven directors. The proposition for the change shall specify the number of directors to be elected, and which of the methods of election authorized by [section 275.12, subsection 2](#), is to be used if the change is approved by the voters.
  - h. Authorize a change in the method of conducting elections or in the number of directors as provided in [sections 275.35 and 275.36](#). If a proposition submitted to the voters under this paragraph or paragraph “g” is rejected, it may not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this paragraph or paragraph “g” within the next six years. The establishment or abandonment of director districts or a change in the boundaries of director districts shall be implemented as prescribed in [section 275.37](#).
  - i. Change the name of the school district, without affecting its corporate existence, rights, or obligations, and subject to the requirements of [section 274.6](#).
2. a. The board may, with approval of sixty percent of the voters voting in an election in the school district, make extended time contracts not to exceed twenty years in duration for rental of buildings to supplement existing schoolhouse facilities; and where it is deemed advisable for buildings to be constructed or placed on real estate owned by the school district, these contracts may include lease-purchase option agreements, the amounts to be paid out of the physical plant and equipment levy fund. The election shall be held on a date specified in [section 39.2, subsection 4, paragraph “c”](#).
  - b. Subject to paragraph “c”, before entering into a rental or lease-purchase option contract, authorized by the electors, the board shall first adopt plans and specifications for a building or buildings which it considers suitable for the intended use and also adopt a form of rental or lease-purchase option contract. The board shall then invite bids thereon, by advertisement published once each week for two consecutive weeks, in a newspaper published in the county in which the building or buildings are to be located, and the rental or lease-purchase option contract shall be awarded to the lowest responsible bidder, but the board may reject any and all bids and advertise for new bids.
  - c. A contract for construction by a private party of property to be lease-purchased by a public school corporation is a contract for a public improvement as defined in [section 26.2](#). If the estimated cost of the property to be lease-purchased that is renovated, repaired, or

involves new construction exceeds the competitive bid threshold in [section 26.3](#), the board shall comply with the competitive bidding requirements of [section 26.3](#).

[C51, §1115; R60, §2028, 2033; C73, §1717, 1807; C97, §2749; C24, 27, 31, 35, 39, §4218; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §278.1]

[89 Acts, ch 135, §71, 72; 94 Acts, ch 1029, §16, 17; 97 Acts, ch 170, §85; 2002 Acts, ch 1134, §90, 115; 2008 Acts, ch 1115, §46, 71; 2008 Acts, ch 1148, §1; 2009 Acts, ch 10, §1, 4; 2013 Acts, ch 88, §15; 2018 Acts, ch 1075, §7, 8, 12, 13; 2018 Acts, ch 1172, §71, 72](#)

Referred to in [§275.23A, 278.2, 278.3, 297.25, 298A.9, 298A.10](#)

2018 amendments apply to lease-purchase contracts entered into on or after April 4, 2018; [2018 Acts, ch 1075, §12, 13; 2018 Acts, ch 1172, §71, 72](#)

### **278.2 Submission of proposition.**

1. The board may, and upon the written request of one hundred eligible electors or a number of electors which equals thirty percent of the number of electors who voted in the last regular school board election, whichever number is greater, shall, direct the county commissioner of elections to provide in the notice of the regular election for the submission of any proposition authorized by law to the voters. When the board has directed the commissioner to submit to the voters a proposition authorized by [section 278.1, subsection 1](#), paragraph “g” or “h”, it shall not thereafter direct the commissioner to submit at the same election any other proposition under either of those paragraphs.

2. Petitions filed under [this section](#) shall be filed with the secretary of the school board at least seventy-five days before the date of the regular school election, if the question is to be included on the ballot at that election. The petition shall include the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

[R60, §2028; C97, §2749; C24, 27, 31, 35, 39, §4218; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §278.2]

[89 Acts, ch 30, §1; 89 Acts, ch 136, §64; 90 Acts, ch 1238, §36; 2008 Acts, ch 1115, §20, 21](#)

Referred to in [§275.36](#)

### **278.3 Power given electors not to limit directors’ power.**

The power vested in the electors by [section 278.1](#) shall not affect or limit the power granted to the board of directors of a school district in [section 297.7, subsection 2](#), and the authority granted in [section 297.7, subsection 2](#), shall be construed as independent of the power vested in the electors by [section 278.1](#).

[C75, 77, 79, 81, §278.3]

[2014 Acts, ch 1092, §60](#)