

Reported Recommending
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Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 230

February 10, 1947.
Schools and Textbooks.

By RANKIN, BROWN of Monona, BOOTHBY,
KNICKERBOCKER, TROEGER, NICH-
OLAS, SIEFKAS, EDWARDS, GANNA-
WAY and SCHWENGEL.

A BILL FOR

An Act to provide for a county board of education and county superintendent and assistants in each of the several counties of the state, the manner of selection of same, and to prescribe their duties and powers.

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

1 Section 1. There is hereby created in each of the several
2 counties of the state, a county school system which shall become
3 effective on the first Monday in April, 1948, and which shall be
4 a part of the public school system of the state.

1 Sec. 2. The county school system shall embrace all the
2 public schools of the county, except independent and consolidated
3 school districts that maintain four-year high schools and shall
4 be under the direction of the county board of education as
5 provided in this act. Any independent school district or
6 consolidated school district may become a part of the county
7 school system upon approval by the voters of the district in
8 the manner provided in chapter two hundred seventy-eight (278),
9 Code 1946, and notifying the county superintendent, the
10 superintendent of public instruction and the county auditor, in
11 which case the district shall become a part of the county school

12 system on the first secular day of July next following. The
13 county board of education shall effect no change in the operation
14 of the schools in said district coming into the county school
15 system prior to the first of July following its becoming a part
16 of the county school system.

17 An independent or consolidated school district situated in
18 more than one county shall be a part of the county school system
19 of the county in which the building is located.

20 In the event an independent school district or consolidated
21 school district is proposed to be formed from one or more school
22 districts within the county school system, the new district
23 shall be a part of the county school system unless composed in
24 part of an independent or consolidated district maintaining an
25 approved four-year high school not in the county school system.

1 Sec. 3. The county board shall exercise such powers as
2 are specifically assigned to it by law. In general their powers
3 and duties shall relate to matters affecting the county school
4 system as a whole rather than specific details relating to
5 individual schools or districts. It shall be the duty of the
6 county board after considering the recommendations of the county
7 superintendent to exercise the following general powers:

8 (1) The county board shall determine and adopt such
9 policies as are deemed necessary by it for the efficient
10 operation and general improvement of the county school system.

11 (2) The county board shall adopt such rules and regulations
12 as in its opinion will contribute to the more orderly and

13 efficient operation of the county school system.

14 (3) The county board shall adopt such minimum standards
15 as are considered desirable by it for improving the county school
16 system.

17 (4) The county board shall have the power to perform those
18 duties and exercise those responsibilities which are assigned to
19 it by law and which are not in conflict with the powers and duties
20 assigned to the local board by law, in order to improve the county
21 school system and carry out the objectives and purposes of the
22 school laws of Iowa.

1 Sec. 4. The territory of the entire county shall be
2 divided into four election areas, as nearly as possible of
3 equal size and contiguous territory, to be designated as the
4 first, the second, the third and the fourth election areas.

5 Where districts have territory in more than one county, the
6 district will belong to the election area of the county where
7 the school buildings are located. In the event of changes in
8 the limits of school districts, the county board of education
9 shall make any such adjustments as may be necessary to equalize
10 the territorial size of the election areas, provided that no such
11 change shall be made less than sixty days prior to the date of
12 the annual school election.

13 On or before the first day of December 1947, in each county
14 of the state, the county board of education then existing under
15 the provisions of chapter two hundred seventy-three (273), Code
16 1946, shall meet in special session and make the division

17 provided for in this section.

1 Sec. 5. The county board of education shall consist of
2 five members, electors of the county, one member to be elected
3 from each of the four election areas by the electors of the
4 respective areas, one member to be elected at large from the
5 area of the county school system by the electors thereof.
6 Their terms of office shall commence on the first Monday in
7 April following their election. All the members of the county
8 board of education shall be first elected at the regular school
9 election to be held on the second Monday in March 1948, and at
10 the first regular meeting of the board on the following first
11 Monday in April, the term of office of each of the five members
12 shall be determined by lot, one member to serve for one year, two
13 members to serve for three years and two members to serve for five
14 years, and the result of such determination showing the name of
15 each member, the area from which elected, and the term so
16 determined shall be entered of record on the minutes of the
17 board and shall be conclusive as to the term of the members.
18 Thereafter, elections to the county board of education shall be
19 held at the annual school elections in odd-numbered years for
20 members whose terms expire on the first Monday in April following
21 said elections and their term of office shall be for six years.
22 Vacancies on said board shall be filled at the next regular
23 meeting of the board by appointment by the remaining members of
24 the board until the next odd-numbered year election at which
25 election a member shall be elected to fill the vacancy for the

26 balance of the unexpired term. A vacancy shall be defined as in
27 section two hundred seventy-seven point twenty-nine (277.29),
28 Code 1946.

1 Sec. 6. Nomination papers in behalf of a candidate for
2 member of the county board of education shall be filed with the
3 county superintendent of schools not more than forty-five (45)
4 days, nor less than twenty (20) days prior to the election at
5 which a member is to be elected. Each candidate shall be
6 nominated by a petition signed by not less than twenty-five (25)
7 qualified electors of the area from which a member is to be
8 elected, which petition shall state the name of the area from
9 which a member is to be elected, the office to which he is to be
10 elected, the name of the candidate and that he is a resident and
11 elector in the named area. Signers of the petition shall, in
12 addition to signing their names, show their residence, including
13 street and number, if any, the school district in which they
14 reside, and the date of signing, and each nomination paper shall
15 have appended to it an affidavit of an elector other than the
16 candidate in substantially the form provided in section six
17 hundred seventy-four (674), Code 1946, except as to the party
-18 affiliation.

1 Sec. 7. The county board of education shall cause to be
2 printed the ballots for the election of members of the county
3 board of education, and not later than five (5) days before the
4 election shall deliver to the secretaries of the respective
5 school districts a sufficient number of ballots for use of the

6 electors in the respective districts. The ballots shall be
7 printed and shall contain the names of all nominees for each
8 particular election area arranged in alphabetical order by
9 surname under the heading of the particular election in which the
10 vacancy occurs.

11 The board shall likewise provide a sufficient number of forms
12 on which the judges and clerks of election shall make returns to
13 respective secretaries of the school districts, and upon which
14 secretaries shall make returns to the county board of education.

1 Sec. 8. The ballots cast at any election for membership
2 on the board shall be counted by the judges of election and
3 return thereof shall be made by the judges on forms provided
4 therefor to the secretary of the school district within forty
5 hours after the closing of the polls. Within five days following
6 the election, the secretary of each school district shall make
7 return of the votes cast in said district to the county board
8 of education on forms provided therefor, which board shall
9 meet at ten o'clock A.M. on the last Monday in March, and
10 canvass the vote and issue certificates of election.

1 Sec. 9. The members of the board shall qualify by taking
2 the oath required of county officers but shall not be required
3 to give bond. They shall serve without compensation, but shall
4 be paid their actual and necessary expenses including travel, in
5 performing their duties. All such claims shall be audited by
6 the board and paid from the county board of education fund.

1 Sec. 10. The county board of education shall meet and

2 organize on the first Monday in April in each odd-numbered year,
3 at ten o'clock A.M. by electing a president for a term of two
4 years, provided that the organization meeting of the board as
5 first elected under this act shall be on the first Monday in
6 April, 1948.

1 Sec. 11. The board shall meet regularly four times each
2 year according to a schedule adopted at the organization meeting
3 and shall meet in special session upon call of the president or
4 upon call of the secretary when a request is filed with the
5 secretary signed by two members of the board.

1 Sec. 12. The board of supervisors shall furnish at the
2 county seat, suitable space for the office of the county
3 superintendent and for the officers of the county board of
4 education, together with adequate storage space.

1 Sec. 13. The county board of education shall:

2 1. Appoint a county superintendent of schools provided in
3 this act and fix his salary. The board shall also fix traveling
4 expense of the superintendent. Upon the recommendation of the
5 county superintendent, the county board may appoint an assistant
6 county superintendent and such other supervisory, and clerical
7 assistants, as are deemed necessary and fix their salaries and
8 duties. During the absence or disability of the superintendent
9 the assistant superintendent shall perform all the duties of the
10 county superintendent.

11 2. Select a county attendance officer, if deemed expedient,
12 on recommendation of the county superintendent, either on a part

13 or full-time basis; and fix his duties and salary within limits
14 prescribed by law.

15 3. Approve the curriculum as recommended by the county
16 superintendent in conformity with the course of study prescribed
17 by the state department of public instruction.

18 4. Adopt textbooks and other instructional aids for rural
19 school districts under the administration of the county
20 superintendent, and purchase, sell, rent or loan them as
21 provided in sections three hundred one point fifteen (301.15),
22 to three hundred one point twenty-eight (301.28), Code 1946, and
23 serve as a central depository and purchasing agent of such books
24 and instructional aids for school districts under its jurisdiction,
25 and make proper accounting for same.

26 5. Purchase and provide such general school supplies,
27 school board supplies, and other materials as are necessary to
28 the conduct of its office.

29 6. Adopt rules and regulations, where deemed expedient,
30 and make provisions for establishment and maintenance of county
31 school libraries, in conformity with the provision of chapter
32 two hundred ninety-two (292), Code 1946.

33 7. Enforce all laws, and rules and regulations of the
34 department of public instruction for the transportation of pupils
35 to and from public school in all school districts of the county.

36 8. Act with the county superintendent as an appeal board
37 in and for all school districts of the county, in all matters
38 properly brought before it as provided by law.

39 9. Cooperate with federal, state, county and municipal
40 agencies, and with local school officers in territory adjacent
41 to, but outside the county, in all matters relating to the
42 improvement of the educational program, when deemed expedient.

43 10. At the regular or special meeting held between July
44 1 and July 15, consider the budget as submitted by the county
45 superintendent, and certify to the board of supervisors the
46 estimates of the amounts needed. Such estimates shall follow
47 the budget procedure under chapter twenty-four (24), Code 1946.
48 The board of supervisors shall then levy a tax on all the
49 taxable property in the county for the amount certified, and the
50 money so raised shall go into a fund hereinafter called the
51 county board of education fund.

52 11. At each meeting of the board, audit all bills and claims
53 which upon approval shall be paid by warrants of the county
54 auditor, upon the written order of the secretary, countersigned
55 by the president, from the county board of education fund. All
56 regular employees of the board shall be paid monthly by warrants
57 drawn on the above fund by the county auditor.

58 12. Under the direction of the department of public
59 instruction, with the assistance of the county superintendent
60 and the cooperation of the boards of the districts within the
61 county, plan and supervise the orderly reorganization of districts,
62 by union, merger or centralization, into larger and more
63 efficient attendance and administrative units. No reorganization
64 shall be submitted to a vote of the people of the district until

65 the plan of reorganization has been referred to and approved by
66 the county board of education, and the superintendent of public
67 instruction.

1 Sec. 14. In each county of the state, the county board of
2 education shall appoint a county superintendent whose term of
3 office shall be for three years, from the first secular day in
4 August following his election and until his successor is elected
5 and qualified. The first regular term under the provisions of
6 this act shall begin the first secular day in August in 1948.
7 The president of the board shall certify the appointment to the
8 county auditor and to the state superintendent of public
9 instruction. The county superintendent who is in office on the
10 first Monday in April, 1948, shall remain until his successor
11 is appointed and qualified as provided herein.

1 Sec. 15. The county superintendent may be of either sex,
2 shall be a graduate of an accredited university or college, or
3 a four-year course above the secondary level in an accredited
4 normal school, the holder of a superintendent's certificate, and
5 shall have had at least five years experience in administrative
6 or supervisory work or in teaching; provided that anyone serving
7 as a legally qualified county superintendent on the effective
8 date of this act shall be deemed qualified to fill the office of
9 county superintendent.

10 The qualifications of an assistant county superintendent
11 shall be the same as for the county superintendent.

1 Sec. 16. The county superintendent shall qualify by

2 subscribing to the oath required of county officers, and filing
3 a bond as provided in section sixty-four point eight (64.8),
4 Code 1946.

1 Sec. 17. Vacancies in the office of county superintendent
2 shall be filled for the unexpired term by the county board of
3 education in the same manner in which the county superintendent
4 is regularly appointed for the unexpired term. If a vacancy is
5 not filled by the county board within forty days the superintendent
6 of public instruction shall appoint a county superintendent who
7 shall serve until the next regular election and until his
8 successor is elected and qualified.

1 Sec. 18. The county superintendent shall, under the
2 direction of the board, exercise the following powers and duties:

3 1. Act as secretary, ex officio, and executive officer of
4 the board.

5 2. Preside at the organization meeting of the county board
6 on the first Monday in April and the odd-numbered year of each
7 biennium, and transmit to the state superintendent within two
8 weeks following such meeting a certified copy of the proceedings
9 of organization, including the schedule of regular meetings and
10 the names and addresses of all county school officials.

11 3. Attend all regular and special meetings of the county
12 board, and advise the board on all questions under consideration.

13 4. Provide for keeping the minutes of all meetings of the
14 board, recording all proceedings and official actions and keeping
15 such other records as may be necessary for complete information

16 regarding the schools under his administration and supervision.

17 5. Act for the county board as custodian of records,
18 reports, documents, correspondence, or other school property
19 that may be placed in his charge by the board.

20 6. Advise and counsel local boards of education concerning
21 their immediate problems and the general development of a long-
22 time plan of education.

23 7. Supervise, or arrange for supervision of, instruction
24 in the schools of the county system.

25 8. Conduct teachers' meetings, institutes, demonstrations
26 and other professional meetings for the in-service training of
27 teachers as provided by law, and in accordance with the regulations
28 of the department of public instruction.

29 9. Endeavor to promote through meetings and conferences
30 with school officers, teachers, parents and the public generally,
31 and by the distribution of pamphlets and bulletins, an active
32 interest in all desirable types of public school education and
33 to suggest needed changes and improvements in the public schools
34 of the county.

35 10. Submit to the county board for its approval plans for
36 the proper accounting of all children of school age, for the
37 attendance and control of pupils at school and for the proper
38 attention to health, safety and other matters which will best
39 promote the welfare of the children of the county; provided that
40 such pupil accounting practices shall be in keeping with the
41 system established by the state department of public instruction.

42 11. Establish rules and regulations for admitting,
43 classifying, promoting and graduating pupils to or from the
44 various rural schools in the county school system within the
45 limits prescribed by law.

46 12. Recommend for the adoption of the board, plans and
47 procedures for the enforcement of compulsory attendance laws
48 and for the appointment of qualified attendance officers when
49 the board deems the same to be necessary or desirable and
50 supervise the work of the same, if and when appointed.

51 13. Recommend plans and supervise arrangements for the
52 periodic physical and dental examination of all children of the
53 county school system and for the general promotion of health
54 throughout the county.

55 14. Recommend plans for the establishment and maintenance
56 of such school libraries and school library services, including
57 the use of the state traveling library, as are needed for the
58 proper operation of the schools of the county.

59 15. Cooperate with the county board of education in
60 developing an adequate, efficient, safe and economical system
61 of pupil transportation in the county.

62 16. Prepare and submit a detailed itemized budget, for
63 approval of the county board of education prior to the first
64 day of July of each year.

65 17. Assist all district school boards upon request, in
66 making budgets, certifying tax levies, and maintaining uniform
67 accounting procedures.

68 18. Recommend to the board of educational examiners the
69 revocation of any teachers' certificate for any good cause in
70 the manner provided by law.

71 19. Assist the county board of education in handling, in
72 the manner prescribed by law, all appeal cases that may come to
73 it.

74 20. Serve, under the direction of the superintendent of
75 public instruction, as a means of communication between the
76 department of public instruction and the various school officers
77 and teachers in the county, and transmit or deliver to them all
78 books, papers, circulars and communications designed for them,
79 when so requested by the superintendent of public instruction.

80 21. Visit each public school in the county at least once
81 during each school year; and when requested to do so by a
82 majority of the directors of any school corporation, visit the
83 schools therein.

84 22. Visit and report upon, at the request of the state
85 superintendent of public instruction, such schools as may be
86 designated.

87 23. See that all provisions of the school law, so far as
88 they relate to the schools, or school officers, within his
89 county, are observed and enforced, and to this end he may
90 require the assistance of the county attorney, who shall at
91 his request bring any action necessary to enforce the law or
92 recover penalties incurred.

93 24. Order to be closed, any public school or schoolroom

94 taught by any teacher not certified as required by law. If
95 his order is not immediately obeyed, he shall enforce the
96 same against the teacher and the school board by an action for
97 a mandatory injunction in a court of competent jurisdiction.

98 25. When any school corporation is organized or reorganized
99 according to law, and no director has been elected, or any
100 director elected has not qualified, or has qualified and resigned,
101 so that the matter of the completion of the organization or
102 reorganization of such school corporation is prevented, and the
103 objects of its organization are thereby defeated, appoint a
104 director or board of directors of such corporation, who shall
105 act as such until their successors have been elected and qualified,
106 and designate which term or terms each director appointed shall
107 fill. In consolidated districts situated in more than one
108 county, such appointments shall be made by the county
109 superintendent of the county in which the schoolhouse is located
110 or is to be located.

111 26. Report annually to the superintendent of public
112 instruction, at times designated by the latter, giving a full
113 abstract of the several reports made to him by the secretaries
114 and treasurers of school boards, stating the manner in and
115 extent to which the requirements of the law regarding instruction
116 in physiology and hygiene are observed, and such other matters
117 as he may be directed by the state superintendent to include
118 therein, or he may think important in showing the actual
119 condition of the schools in his county. He shall file a

120 duplicate of such report with the county board of education.

121 27. Keep accurate school census records for the county
122 and file annually, on or before the last secular day in July,
123 with the county auditor, a statement of the number of persons of
124 school age in each township and independent district in the
125 county and make such other reports thereon as may be required
126 by law.

127 28. Report on or before August first of each year, to the
128 superintendent of the school for the blind, the name, age,
129 residence, and postoffice address of every person resident of
130 the county, without regard to age, so blind as to be unable to
131 acquire an education in the common schools; to the superintendents
132 of the school for the deaf, with corresponding detail, persons
133 under the age of thirty-five, whose faculties with respect to
134 speech and hearing are so deficient as to prevent them from
135 obtaining an education in the common schools; and to the
136 institution for the feeble-minded all persons of school age,
137 who, because of mental defects are entitled to admission therein.

138 29. Recommend to the rural boards of education in the
139 county school system, teachers to be employed by them.

140 30. Have power to administer the oath of office to any
141 school officer.

142 31. The county superintendent shall exercise any or all
143 of its foregoing powers and duties and provide any or all of
144 the foregoing services for any or all public schools not in
145 the county system when they indicate by board action the need

146 for such services.

1 Sec. 19. The powers and duties of the county board and
2 the county superintendent heretofore enumerated shall be
3 construed to apply only to the county school system except as
4 otherwise specified.

1 Sec. 20. Section two hundred seventy-one point twelve
2 (271.12), Code 1946, is amended by striking the word "he" in
3 line one (1) and inserting in lieu thereof the words "the county
4 superintendent".

1 Sec. 21. Sections two hundred seventy-one point one (271.1)
2 to two hundred seventy-one point eleven (271.11), inclusive, and
3 sections two hundred seventy-three point one (273.1) to two
4 hundred seventy-three point four (273.4), inclusive, and sections
5 three hundred forty point thirteen (340.13) to three hundred
6 forty point sixteen (340.16), inclusive, and sections three
7 hundred one point twelve (301.12) to three hundred one point
8 twenty-three (301.23), inclusive, Code 1946, shall be repealed
9 as of the first Monday in April, 1948.

1 Sec. 22. Section three hundred forty-one point one (341.1),
2 Code 1946, is amended by striking the words "and county
3 superintendents of schools".

1 Sec. 23. Section three hundred forty-one point six (341.6),
2 Code 1946, is amended by striking all after "such principal"
3 and substituting a period.

EXPLANATION OF H. F. 230

COUNTY ADMINISTRATION

This bill would create a new county board of education consisting of five members

elected by the people. For this election purpose, each county would be divided into four election areas, with one director elected from each area and one elected at large from the county school system. This board would appoint the county superintendent of schools, fix his salary and traveling expenses, and determine the budget for his office. The proposal does not change the relationship between county and district administration.

The county board would constitute a public forming body, and the county superintendent of schools would act as its executive officer. With the recommendation of the county superintendent, the county board would appoint an assistant superintendent and such other supervisory and clerical assistants as deemed necessary.

In the proposed bill, the powers of the county board and the county superintendent are definitely specified and their relationship is clearly established. The board is elected by the people, and the superintendent is responsible to the board. The board has its own funds and will be in position to carry out county educational projects such as the county survey for purposes of reorganization of districts. The bill removes restrictions on the superintendent's salary, and the board will be in a position to pay him an amount commensurate with the responsibilities of the office. The provision under which the board may appoint supervisory as well as administrative and clerical assistants will open vast possibilities for improvement of instruction in town as well as in rural schools. The board is charged with the planning of larger and more efficient attendance and administrative units. No plan of reorganization can be submitted to a vote of the people until approved by the county board of education.

The proposed bill further clarifies the authority of the county board and county superintendent by defining the county school system. This system is specified as including all the public schools of the county except independent and consolidated districts which maintain high schools. Provision is made whereby such schools may unite with it.

The proposed bill establishes the following standards of qualification for the position of county superintendent: four years of college training, a superintendent's certificate, and five years of school experience. However, it qualifies all who are in office at the effective date of the act.