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 Passed House .....  
 Failed to Pass House .....

**Senate File 245**

January 11, 1947.  
 Passed on File.

By SCHOOLS and EDUCATIONAL  
 INSTITUTIONS COMMITTEE.

## 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, to prescribe their duties and powers, to amend sections two hundred seventy-one point twelve (271.12), three hundred forty-one point one (341.1), and three hundred forty-one point six (341.6), and to repeal sections two hundred seventy-one point one (271.1) to two hundred seventy-one point eleven (271.11), inclusive, two hundred seventy-three point one (273.1) to two hundred seventy-three point four (273.4); inclusive, three hundred forty point thirteen (340.13) to three hundred forty point sixteen (340.16), inclusive, and three hundred one point twelve (301.12) to three hundred one point twenty-three (301.23), inclusive, Code 1946.

*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 joining the  
18 county school system by such vote, situated in more than one county  
19 shall be a part of the county school system of the county in which  
20 the building is located.

21 In the event an independent school district or consolidated  
22 school district is proposed to be formed from one or more school  
23 districts within the county school system, the new district  
24 shall be a part of the county school system unless composed in  
25 part of an independent or consolidated district maintaining an  
26 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  
19 to it by law and which are not in conflict with the powers and  
20 duties assigned to the local board by law, in order to improve  
21 the county school system and carry out the objectives and  
22 purposes of the 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 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  
14 five years, and the result of such determination showing the  
15 name of each member, the area from which elected, and the term  
16 so 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 of 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 area in which  
10 the vacancy occurs.

11 The board shall likewise provide a sufficient number of  
12 forms on which the judges and clerks of election shall make  
13 returns to respective secretaries of the school districts, and  
14 upon which secretaries shall make returns to the county board of  
15 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,  
5 in performing their duties. All such claims shall be audited  
6 by 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  
25 jurisdiction, 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  
35 pupils to and from public school in all school districts of the  
36 county.

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

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

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

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

57 regular employees of the board shall be paid monthly by warrants  
58 drawn on the above fund by the county auditor.

59 12. Under the direction of the department of public  
60 instruction, with the assistance of the county superintendent  
61 and the cooperation of the boards of the districts within the  
62 county, plan and supervise the orderly reorganization of  
63 districts, by union, merger or centralization, into larger and  
64 more efficient attendance and administrative units. No  
65 reorganization shall be submitted to a vote of the people of the  
66 district until the plan of reorganization has been referred to  
67 and approved by the county board of education, and the superin-  
68 of public instruction. tendent

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  
9 of 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  
6 superintendent of public instruction shall appoint a county  
7 superintendent who shall serve until the next regular election  
8 and until his 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 in 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  
28 regulations 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  
124 of 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  
132 superintendents of the school for the deaf, with corresponding  
133 detail, persons under the age of thirty-five, whose faculties  
134 with respect to speech and hearing are so deficient as to  
135 prevent them from obtaining an education in the common schools;  
136 and to the institution for the feeble-minded all persons of

137 school age, who, because of mental defects are entitled to  
138 admission therein.

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

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

143 31. The county superintendent shall exercise any or all  
144 of the foregoing powers and duties and provide any or all of  
145 the foregoing services for any or all public schools not in  
146 the county system when they indicate by board action the need  
147 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.